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Report of the Special Rapporteur on the situation of human rights defenders, Michel Forst

Addendum

Observations on communications transmitted to Governments and replies received*

* The present document is being circulated in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

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Contents

	Paragraphs	*Page*
Introduction	1- 5	5
Summary	6- 12	5
AFRICA REGION	13 – 84	7
Angola	17 - 19	7
Burundi	20 - 25	7
Cameroon	26 - 28	8
Côte d'Ivoire	29 – 30	8
Democratic Republic of the Congo	31 – 32	8
Djibouti	33 – 34	9
Ethiopia	35 – 40	9
Kenya	41 – 47	10
Niger	49 – 49	10
Nigeria	50 – 54	11
Sierra Leone	55 – 56	11
Somalia	57 – 59	12
South Sudan	60 – 64	12
Sudan	65 – 70	12
Swaziland	71 – 74	13
Uganda	75 – 79	14
Zambia	80 – 81	15
Zimbabwe	82 – 84	15
AMERICAS REGION	85 – 199	15
Argentina	90 – 91	16
Bolivia	92 – 96	17
Brazil	97 – 103	17
Canada	104 – 107	19
Colombia	108 – 121	19
Cuba	122 – 129	21
Ecuador	130 – 133	22
Guatemala	134 – 141	23
Haiti	142 – 145	24
Honduras	146 – 158	24
Mexico	159 – 177	25
Peru	178 – 183	28

United States of America	184 – 188	29
Venezuela (Bolivarian Republic of)	189 – 199	29
ASIA-PACIFIC REGION	200 – 360	31
Australia	204 – 208	31
Bangladesh	209 – 216	32
Cambodia	217 – 223	33
China (People's Republic of)	224 – 240	34
India	241 – 246	36
Indonesia	247 – 251	36
Iran (Islamic Republic of)	252 – 264	37
Lao People's Democratic Republic	265 – 271	38
Malaysia	272 – 282	39
Maldives	283 – 288	41
Myanmar	289 – 296	41
Nepal	297 – 299	42
Pakistan	300 – 306	43
Papua New Guinea	307 – 309	43
Philippines	310 – 315	44
Republic of Korea	316 – 321	45
Singapore	322 – 323	45
Sri Lanka	324 – 336	46
Thailand	337 – 348	47
Viet Nam	349 – 360	49
EUROPE & CENTRAL ASIA REGION	361 – 464	50
Armenia	367 – 368	51
Azerbaijan	369 – 381	51
Belarus	382 – 385	53
Bosnia and Herzegovina	386 – 387	53
Cyprus	388 – 389	54
Georgia	390 – 391	54
Hungary	392 – 393	54
Kazakhstan	394 – 399	55
Kyrgyz Republic	400 – 409	56
Norway	410 – 411	57
Moldova, Republic of	412 – 414	57
Russian Federation	415 – 430	58
Serbia	431 – 432	59

Spain	433 – 438	60
Sweden	439 – 440	61
Tajikistan	441 – 447	61
Turkey	448 – 453	62
Ukraine	454 – 456	63
United Kingdom of Great Britain and Northern Ireland	457 – 458	63
Uzbekistan	459 – 464	64
MIDDLE EAST & NORTH AFRICA REGION	465 – 555	64
Algeria	469 – 472	65
Bahrain	473 – 484	66
Egypt	485 – 500	66
Israel	501 – 506	69
Kuwait	507 – 510	70
Libya	511 – 513	70
Mauritania	514 – 515	71
Morocco	516 – 522	71
Oman	523 – 529	72
Qatar	530 – 531	73
Saudi Arabia	532 – 544	73
Syrian Arab Republic	545 – 552	75
United Arab Emirates	553 – 555	46
Other	556 – 557	76
Annex		77

Introduction

1. The present document is submitted by the Special Rapporteur on the situation of human rights defenders, Michel Forst, to the Human Rights Council, pursuant to resolution 25/18 of the Human Rights Council. The document provides observations on the communications on specific cases addressed by the Special Rapporteur to States, as well as observations on the replies received from States.

2. The cases raised by the Special Rapporteur in this report include urgent appeals, allegation letters and other letters sent between 1 December 2013 and 30 November 2014 and responses received from States from 1 December 2013 until 31 January 2015. It also contains late responses received from communications issued during previous reporting periods. The report also includes press releases issued between 1 December 2013 and 28 February 2015, as well as updates and follow up information received on individual cases by the Special Rapporteur up to the end of February 2015.

4. For ease of reference, cases have been grouped by region, with countries within each region listed alphabetically according to their names in English. Each communication is referenced in one of six categories: urgent appeal (UA), allegation letter (AL), other letter (OL), joint urgent appeal (JUA), joint allegation letter (JAL) and joint other letter (JOL). This is followed by the date that the communication was issued, as well as the case number and the date of the State's reply. The electronic version of the present document contains hyperlinks to both the communications and the replies from the concerned States, and clicking on them will open the documents, as uploaded on the OHCHR website. In bold, is a short reference to the allegations contained in the communication in the language of submission. Press releases (PR) published during the reporting period are referenced below the communications, with a hyperlink to the statement as uploaded on the OHCHR website. In bold, is title of the press release in the language of the statement.

5. The Annex contains information on the communications procedure, including information on how to submit allegations to the Special Rapporteur.

Summary

6. Between 1 December 2013 and 30 November 2014, the Special Rapporteur sent 231 communications to 84 States. Of these communications, 128 were urgent appeals and 103 were allegation letters.

7. The Special Rapporteur drew attention to the situation of over 530 people, of whom 119 were women. 88 cases consisted of follow-ups on persons or organisations that were previously the subject of communications, including 23 press releases.

8. Examined by region, the figures show that 80 communications were addressed to countries in the Asia-Pacific region (35%); 49 to countries in the Americas (21%); 37 to countries in the Middle East and North Africa (16%); 37 to countries in Europe and Central Asia (16%); and 26 to countries in Africa (11%).

9. The Special Rapporteur sent 32 communications concerning acts of intimidation and reprisals against human rights defenders for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights. These cases included a wide range of violations committed against human rights defenders, from harassment, intimidation, smear campaigns, direct threats and travel bans to arbitrary arrest and detention, denial of medical treatment and physical attacks. Communications were sent to the following 22 countries: Bahrain, China, Cuba, Cyprus, Egypt, Honduras, India, Iran, Malaysia, the Maldives, Mexico, Myanmar, Oman, Pakistan, the Russian Federation, Saudi Arabia, Sri Lanka, the Syrian Arab Republic, Tajikistan, Thailand, United Arab Emirates and Viet Nam.

10. With regard to such cases of intimidation and reprisals, the Special Rapporteur wishes to reiterate that the Human Rights Council, in resolution 22/6, strongly called upon all States to "refrain from, and ensure adequate protection from, any act of intimidation or reprisals against those who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates". Furthermore, he would like to recall that, in resolution 24/24, the Council urged all States to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them. It also urged States to ensure accountability for any acts of such intimidation or reprisal and to take all appropriate measures to prevent the occurrence of intimidation or reprisals. The Secretary-General, in his 2014 report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights to the Human Rights Council, reminded that it is primarily the obligation of States to protect those who cooperate with the United Nations, its representatives and mechanisms in the field of human rights and to ensure that they may do so safely and without hindrance. He urged to "collectively denounce reprisals, defend the right to cooperate freely with the United Nations and protect those targeted".[1]

11. The Special Rapporteur also sent 28 communications concerning draft legislation at the national level that could have a negative impact on the environment in which human rights defenders perform their activities.

12. At the time of writing, 128 replies had been received to the 231 communications sent, a response rate of 55 per cent which is a significant increase on the numbers of responses received during the previous reporting period. While certain replies were simply acknowledgements of receipt, the Special Rapporteur wishes to thank countries who have fully engaged and cooperated with the Special Procedures mechanisms and provided detailed replies with information in response to the allegations addressed therein.

AFRICA REGION

13. During the present reporting period, the Special Rapporteur sent 26 communications to countries in the African region. He takes note of the response rate of 35 per cent for the region, which is the lowest response rate of any region. He therefore urges States who have not responded to his communications as part of a continuous dialogue and cooperation and ensure that the issues raised in the communications are thoroughly addressed.

14. The Special Rapporteur remains concerned at instances of arbitrary arrest and detention, as well as judicial harassment and unfair court proceedings, of human rights defenders due to their peaceful and legitimate human rights work. He is particularly concerned by the high percentage of communications related to the involvement of State actors in the harassment and prosecution of human rights defenders in the region. Furthermore, in communications to a number of countries in the region, the Special Rapporteur draws attention to the use of ambiguous legislation, such as anti-terrorism laws that result in the criminalisation of human rights defenders.

15. The Special Rapporteur wishes to reiterate concern regarding the introduction of anti-homosexuality legislations in the region that criminalise legitimate activities of human rights defenders that work to protect and promote rights of LGBTI persons.

[1] A/HRC/27/38

16. Another issue of concern is related to the restrictions on the right to freedom of assembly and association, including legislation pertaining to peaceful protests and assembly, as well as instances of the excessive use of force against protesters. The Special Rapporteur considers these measures to be a disproportionate response, which limits the legitimate activities of human rights defenders.

Angola

17. JAL 05/12/2013 Case no: AGO 5/2013 State reply: 08/01/2014

Allegations of excessive use of force to disperse a peaceful demonstration, as well as the alleged killing of a human rights defender and several other protestors.

Observations

18. The Special Rapporteur would like to thank the Government of Angola for the response received to the communication sent during his reporting period.

19. The Special Rapporteur wishes to express his concerns regarding information received on the alleged excessive use of force against protesters involved in peaceful demonstrations on the part of the authorities, in particular regarding the alleged killing of human rights defender Mr. Manuel 'Gange' de Carvalho. He also expresses his concern regarding information received of arrests and arbitrary detention of protesters and restrictions on the right to freedom of peaceful assembly.

Burundi

20. JUA 28/05/2014 Case no: BDI 1/2014 State reply: 09/09/2014

Allégations de l'arrestation et de la détention arbitraire du Président de l'Association pour la Protection des Droits Humains et des Personnes Détenues au Burundi.

21. PR 13/11/2014

Burundi: Première visite officielle de l'expert de l'ONU sur la situation des défenseurs des droits de l'homme

22. PR 25/11/2014

Burundi: Le gouvernement doit relâcher sa pression sur les défenseurs des droits de l'homme

23. PR 25/11/2014

Observations et recommandations préliminaires pour M Michel Forst, Rapporteur Spécial des Nations unies sur la situation des défenseurs, visite au Burundi 14-25 novembre 2014

Observations

24. Le Rapporteur spécial remercie le Gouvernement des informations fournies en réponse à sa letter du 28 mai 2014 concernant l'arrestation et la détention de M. Pierre Claver Mbonimpa. Bien que le Rapporteur spécial soit content qu'il a été libéré provisoirement pour raisons de santé le 29 septembre 2014, il exprime sa préoccupation que M. Mbonimpa est refusé d'aller au-delà de la mairie de Bujumbura dans ses déplacements, ce qui l'empêche de mener son travail. Également, il est concerné que son arrestation et le harcèlement seraient liés à son travail pacifique œuvrant pour les droits de l'homme au Burundi.

25. Le Rapporteur spécial est également reconnaissant d'avoir pu effectuer une visite officielle en Burundi du 14 au 25 novembre 2014. Ses observations et recommandations suite à sa visite vont faire l'objet d'un rapport séparé présenté au Conseil des droits de l'homme.

Cameroon

26. JAL 21/02/2014 Case no: CMR 1/2014 State reply: none to date

Allégations d'attaques physiques, arrestations arbitraires et harcèlement judiciaire contre des membres de deux organisations non-gouvernementales: Struggle to Economize Future Environment et Nature Cameroon, ainsi que des interdictions arbitraires imposées aux membres de Nature Cameroon de se réunir et de participer à des réunions publiques non déclarées.

Observations

27. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'a été reçue à la communication envoyé pendant la période couverte par le présent rapport et il encourage le gouvernement à répondre à cette communication. Le Rapporteur spécial exprime ses préoccupations concernant les attaques physiques, arrestations arbitraires et harcèlement judiciaire contre les défenseurs soient liés à leur travail œuvrant pour la préservation de l'environnement.

28. Le Rapporteur spécial espère que le Gouvernement du Cameroun va répondre favorablement à sa demande de visite (2014) afin de pouvoir effectuer un état des lieux de la situation des défenseurs des droits de l'homme dans le pays. Il espère que sa visite pourra avoir lieu à l'avenir à des dates mutuellement convenues.

Côte d'Ivoire

29. JUA 11/03/2012 Case no: CIV 1/2014 State reply: none to date

Allégations d'attaques physiques et menaces de mort contre le personnel d'une organisation non gouvernementale.

Observations

30. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'a été reçue à la communication envoyé pendant la période couverte par le présent rapport et il encourage le gouvernement à répondre à cette communication. Le Rapporteur spécial exprime ses préoccupations quant à la sécurité des défenseurs œuvrant pour les droits des personnes lesbiennes, gays, bisexuelles, transgenres et intersexuées (LGBTI) en Côte d'Ivoire.

Democratic Republic of the Congo

31. JAL 14/10/2014 Case no: COD 1/2014 State reply: none to date

Allégations d'enlèvement et d'exécution sommaire d'un militant de l'organisation dénommée Aide Rapide aux Victimes des Catastrophes par le groupe armé Maï-Maï Yakutumba.

Observations

32. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'a été reçue à la communication envoyé pendant la période couverte par le

présent rapport et il encourage le gouvernement à répondre à cette communication. Le Rapporteur spécial exprime ses préoccupations quant aux circonstances de l'enlèvement et l'exécution du défenseur et que ceci serait liée à son travail pacifique œuvrant pour les droits de l'homme en République Démocratique du Congo.

Djibouti

33. JAL 14/02/2014 Case no: DJI 1/2014 State reply: none to date

Allégations d'arrestations arbitraires et de harcèlement judiciaire contre des défenseurs de droits de l'homme, opposants politiques et un membre du personnel de presse.

Observations

34. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'a été reçue à la communication envoyé pendant la période couverte par le présent rapport et il encourage le gouvernement à répondre à cette communication. Le Rapporteur spécial exprime ses préoccupations concernant la situation difficile dans laquelle les défenseurs de droits de l'homme tentent d'exercer leur droit à la liberté d'association et de réunion pacifique à Djibouti.

Ethiopia

35. JUA 08/05/2014 Case no: ETH 4/2014 State reply: none to date

Alleged ill treatment and denial of access to urgent medical treatment of a journalist in detention.

36. JUA 22/05/2014 Case no: ETH 5/2014 State reply: none to date

Allegations of excessive and indiscriminate use of force against peaceful protestors, including women and children, in the regional state of Oromia.

37. PR 18/09/2014

UN experts urge Ethiopia to stop using anti-terrorism legislation to curb human rights

Observations

38. The Special Rapporteur regrets that, at the time of finalising this report, no response has been received to the communications sent during the reporting period, especially due to the serious nature of these allegations.

39. The Special Rapporteur remains concerned at the misuse of anti-terrorism legislation to curb freedom of expression and of association in the country, as was the subject of a Press Release in September 2014 by a group of United Nations human rights experts. He further reiterates the call to release all those detained arbitrarily under the pretext of counter-terrorism measures due to their peaceful and legitimate work as human rights defenders, political opponents, journalists and religious leaders. The Special Rapporteur remains concerned regarding the denial of specialised medical treatment of Ms. Reeyot Alemu who is detained on charges of "promotion or communication of a terrorist act" due to her work as a journalist.

40. The Special Rapporteur is further concerned by the reported excessive use of force against peaceful protestors, including children, in the state of Oromia, as well as mass arrests and arbitrary detentions of peaceful protestors and bystanders. The reports of the use

of live ammunitions and hand grenades during protests by security forces and military Special Forces, resulting in the killing of at least 35 peaceful protestors, as well as cases of torture in detention and of incommunicado detention are particularly worrying.

Kenya

41. JAL 18/03/2014 Case no: KEN 3/2014 State reply: 21/03/2014

Alleged trend of violent dispersal of peaceful assemblies, repeated arbitrary arrests of peaceful protestors, and reported sexual abuse of a female demonstrator.

42. JAL 03/04/2014 Case no: KEN 4/2014 State reply: none to date

Alleged declaration a British journalist, filmmaker and Co-Director of InformAction as a member of the prohibited class and a prohibited immigrant in Kenya.

43. PR 03/12/2013

Kenya: Statute Law Bill poses grave threat to civil society and must be rejected – UN rights experts

Observations

44. Special Rapporteur regrets that, at the time of finalising this report, no response has been received to the allegation letter sent on 3 April 2014. The Special Rapporteur takes note of the acknowledgment of receipt from the authorities to the allegation letter sent on 18 March 2014. He awaits further substantial responses to both the communications sent during the reporting period.

45. The Special Rapporteur expresses concern at the arbitrary arrests and detentions of members of civil society organizations in the context of peaceful assemblies, including the denial of access to a lawyer. He is particularly concerned by the reported excessive use of force by police, including beating in custody of 7 members of the organisation and a woman who was eight months pregnant and the sexual abuse of one female demonstrator.

46. The Special Rapporteur also expresses concern at the labelling of human rights activist Ms. Lucy Elizabeth Hannan as a prohibited immigrant by government authorities, which appears to be a form of reprisal for her work in a human rights organisation with UN Special Rapporteur on the rights of freedom of Peaceful Assembly and Association Mr. Maina Kiai. Since this, her freedom of association, expression and movement have been restricted and her work criminalised and she now faces threats, arrest, prosecution and deportation.

47. The Special Rapporteur is further concerned by the tendency towards restrictions on the space for civil society and human rights organisations in light of proposals to amend existing laws. A bill proposed in 2013 that would give the authorities the power to deny the registration of organisations and to cap foreign funding was rejected. However, a new proposed amendment which, at the time of writing, is being debated in the Parliament, contains many of the same provisions, but had excluded the condition on foreign funding, recognising the opposition to this. The Special Rapporteur sees this as another example of limitations and restrictions being put on human rights defenders and organisations, which hinders their legitimate and peaceful human rights work.

Niger

48. JUA 26/05/2014 Case no: NER 1/2014 State reply: 26/08/2014

Allégations relatives à l'arrestation et à la détention arbitraire du coordinateur de l'organisation Volontaires pour l'Intégration Educative Kande Ni Bayra.

Observations

49. Le Rapporteur spécial remercie le Gouvernement pour les informations fournies en réponse à sa lettre du 26 mai 2014 concernant l'arrestation et la détention de M. Ali Abdoulaye. Bien que le Rapporteur spécial se réjouisse de la libération de M. Abdoulaye intervenue le 4 juin 2014, il exprime ses inquiétudes du fait que son arrestation et le harcèlement judiciaire dont il fut l'objet seraient liés à son travail pacifique en faveur des droits de l'homme au Niger.

Nigeria

50. JAL 13/01/2014 Case no: NGA 1/2014 State reply: none to date

Alleged upcoming signature of the Same Sex Marriage (Prohibition) Bill, 2011, by the Senate on 18 December 2013.

51. JAL 18/07/2014 Case no: NGA 4/2014 State reply: none to date

Alleged undue restrictions to the right to freedom of association contained in the draft Act to Regulate the Acceptance and Utilization of Financial/Material Contribution of Donor agencies to Voluntary Organizations and for Matters Connected Therewith of 2014.

Observations

52. The Special Rapporteur regrets that, at the time of finalising this report, no response was received to the two communications sent during the reporting period. He hopes to receive responses shortly, especially considering that they address new legislation, which may restrict the space for civil society organisations.

53. The Special Rapporteur reiterates regret that the Same Sex Marriage Prohibition Act, addressed in a communication dated 13 January 2014, was approved by the President in January 2014. Serious concerns are expressed that this law unduly limits the free exercise of the rights to freedom of association, assembly and opinion and expression, as well as restrict the work of human rights defenders in relation to the human rights of LGBTI persons.

54. The Special Rapporteur further expresses concern at the proposed Bill to Regulate the Acceptance and Utilization of Financial/Material Contribution of Donor agencies to Voluntary Organizations and for Matters Connected Therewith, which if adopted, would prohibit the receipt of foreign funds without registration and any such funds would have to go through a Nigerian bank. Concerns are expressed that the Bill does not comply with the right to freedom of association and the principle of non-discrimination among associations.

Sierra Leone

55. JUA 25/09/2014 Case no: SLE 1/2014 State reply: none to date

Allegations of threats against a human rights defender.

Observations

56. The Special Rapporteur regrets that, at the time of the finalisation of this report, the Government had not responded to the communication sent during the reporting period. He expresses concern at insults and threats made against a human rights defender denouncing

allegations of corruption by Government officials in their response to the outbreak of Ebola, which could have a serious impact on the right to health of the population affected.

Somalia

57. JAL 06/12/2013 Case no: SOM 6/2013 State reply: none to date

Alleged killing of a human rights monitor by the militant group Al-Shabaab, in Somalia.

Observations

58. The Special Rapporteur regrets that no response has been received to the communication sent regarding the killing of a human rights monitor. He considers the allegations very serious and trusts that responses will be provided shortly.

59. The Special Rapporteur is concerned about what appears to be a pattern of assassinations of journalists and human rights defenders, many of which have been committed with impunity. He further expresses concern for the security and physical and psychological integrity of human rights defenders in Somalia. In this regard, he would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

South Sudan

60. JAL 04/12/2013 Case no: SSD 1/2013 State reply: none to date

Alleged conflict of a draft law with international human rights standards.

61. JAL 23/10/2014 Case no: SSD 1/2014 State reply: none to date

Alleged undue limitations to the rights to freedom of association, expression and opinion, and excessive State interference in a draft law regulating non-governmental organizations.

62. PR 17/12/2013

NGO Bill threatens to hinder civil society's work in South Sudan, UN rights experts warn

Observations

63. The Special Rapporteur regrets that, at the time of finalising this report, no responses were received to the two communications sent during the reporting period.

64. The Special Rapporteur expresses particular concern at the proposed Non-Governmental Organizations Bill, which has been the subject of two communications to the Government, as well as a Press Release during the present reporting period. This Bill threatens the work and independence of civil society organizations in the country as it provides that, to be considered as a NGO, an association should perform only a defined list of activities, which appears to exclude defending human rights, promoting good governance and combating corruption. It also proposes the establishment of a regulatory body, as well as restrictive registration and financial procedures. In October 2014 the Bill was reportedly in its fourth and final reading at the National Legislative Assembly (NLA). The Special Rapporteur reiterates concerns raised by NGOs and international organisations and encourages the Government to engage with and consider recommendations from civil society.

Sudan

65. JAL 07/05/2014 Case no: SDN 1/2014 State reply: none to date

Allegations of intimidation and threats against a human rights defender and his family, and raid on the offices of the Human Rights Network for Democracy.

66. JUA 26/05/2014 Case no: SDN 3/2014 State reply: 06/06/2014

Allegations of arrest and incommunicado detention of a human rights defender.

67. JAL 20/07/2014 Case no: SDN 4/2014 State reply: 06/08/2014

Alleged arbitrary closure of a human rights organization promoting women's rights and gender equality.

Observations

68. The Special Rapporteur thanks the Government for its responses to two of the three communications sent during the reporting period. However, he regrets that no response has been received to the remaining communication sent on 7 May 2014. He trusts that a response will be provided shortly to this communication given the seriousness of the allegations addressed therein.

69. The Special Rapporteur expresses his concern at allegations of intimidation, threats and human rights defenders and their families in Sudan, such as in the case of human rights defender Mr. Adam Eldouma Suleiman and his family who received threats through text messages and phone calls due to his work. The Special Rapporteur also expresses his concern at the arrest and detention of defenders in relation to their legitimate and peaceful activities, and at allegations of the National Intelligence and Security Service's involvement in these incidents. In this regard, the Special Rapporteur welcomes the release in July 2014 of the student activist Mr. Mohamed Salah Mohamed Abdelrhman who was arrested in March 2014 following a statement he made at the memorial event for a fellow student activist during which he named the National Intelligence and Security Service agents who were responsible for the killing. However, he remains concerned at allegations of torture of Mr. Abdelrhman while in detention, as was noted by the UN Independent Expert on the situation of human rights in the Sudan, Professor Mashood Adebayo Baderin, following his visit to the country in June 2014.

70. The Special Rapporteur is further concerned by the closure of the Salmmah Women's Resource Centre following the organisation's participation in a conference, which promoted women's rights and gender equality. He takes note of the Government's response received on 6 June 2014, in which it states that the organisation was not registered with the Humanitarian Aid Commissioner, although the organisation was registered with the Ministry of Justice. The Special Rapporteur remains concerned that the human rights violations identified in this letter remain valid as these measures appear to form part of a pattern targeting independent civil society actors, including those defending and promoting women rights and gender equality.

Swaziland

71. JUA 02/04/2014 Case no: SWZ 1/2014 State reply: none to date

Alleged arrest and detention of a lawyer and a magazine editor for exercising their legitimate rights to freedom of expression.

72. PR 12/06/2014

Swaziland: UN experts condemn continued detention and trial of human rights defenders

Observations

73. The Special Rapporteur regrets that, at the time of finalising this report, no response was received to the communication sent on 2 April 2014. He encourages the Government to fully consider the allegations therein and he hopes to receive a response addressing the questions asked shortly.

74. The Special Rapporteur expresses his concern at the charges of criminal contempt of court brought against Mr. Thulani Maseko and Mr. Bheki Makhubu in connection with articles that they wrote about a High Court case in which they raised concerns about the lack of judicial accountability, impartiality and independence in the case. There were worrying indications of a lack of due process in their case and, on 6 April 2014, Mr. Maseko and Mr. Makhubu were released following a High Court judgment which set aside the initial warrant for their arrest as unconstitutional, unlawful and irregular. However, this decision was appealed and they were re-detained at a provisional detention centre. In June 2014, a number of UN human rights experts expressed their concern at the repeated arrests and detention of Messrs. Maseko and Makhubu. The Special Rapporteur is concerned regarding reports received that, on 17 July 2014, Messrs. Maseko and Makhubu were sentenced to two years of prison and the magazine that had published the articles received a fine. Their conviction constitutes a violation both of the right to freedom of expression under the Constitution of Swaziland, and international human rights law and occurs in the context of the wider systematic use of domestic legislation against individuals critical of the King and State institutions and is considered be directly related to their legitimate exercise of their right to freedom of expression.

Uganda

75. JAL 17/12/2013 Case no: UGA 1/2013 State reply: none to date

Alleged conflict of a law with international human rights standards.

76. JAL 04/02/2014 Case no: UGA 1/2014 State reply: 21/02/2014

Alleged passing by Parliament of a revised version of the Anti-Homosexuality Bill, 2009, now referred to as the Anti-Homosexuality Act, 2013, on 20 December 2013.

Observations

77. The Special Rapporteur takes note of the acknowledgement of receipt of one of the two communications sent during the reporting period. However, he regrets the lack of response from the Government to the communications sent, especially given the grave nature of the allegations therein.

78. The Special Rapporteur wishes to reiterate his concern at the provisions included in the Public Order Management Act, which was approved by the President in October 2013. A number of the provisions included in this Act curtail the rights to freedom of peaceful assembly and of expression, including burdensome requirements on organisers of peaceful assemblies and that organisers and participants of peaceful assemblies could be held criminally and financially liable and face disproportionate sanctions for a range of vaguely described offences and for the unlawful acts of others.

79. The Special Rapporteur is pleased that the Anti-Homosexuality Act was annulled by the Constitutional Court, which ruled that the Parliament lacked a quorum when it was passed. However, he reiterates his concern that the Act had been passed by Parliament which, as the then UN High Commissioner for Human Rights Navi Pillay stated, would institutionalise discrimination against lesbians, gay, bisexual and transgender people and could encourage harassment and violence against them. The Act also criminalised the

'promotion of homosexuality', which would have a detrimental impact on healthcare providers and Ugandan and international organizations advocating on human rights issues. In this regard, the Special Rapporteur remains concerned about severe discrimination that is still faced by LGBTI people in Uganda.

Zambia

80. JAL 03/07/2014 Case no: ZMB 2/2014 State reply: 22/09/2014

Alleged imminent de-registration of two international non-governmental organizations (NGOs) operating in Zambia, based on the recent implementation of a law regulating NGOs.

Observations

81. The Special Rapporteur thanks the Zambian Government for the response submitted to his communication regarding the de-registration of two international NGOs operating in Zambia. He acknowledges that the wording of the Act does not focus on de-registration, per se, but on the obligation to re-register in order to be recognised under the Act. However, he is concerned that the reported re-registration requirement established by the Act puts NGOs at risk of arbitrary termination or suspension of their activities and which would unduly interfere with the substantive work and organisational structure of civil society organisations in Zambia.

Zimbabwe

82. JAL 07/02/2014 Case no: ZWE 1/2014 State reply: 10/10/2014

Alleged acts of harassment against leaders of two associations promoting and defending human rights.

Observations

83. The Special Rapporteur thanks the Government of Zimbabwe for the response submitted to the communication sent on 7 February 2014 regarding the charges brought against the head of the Gays and Lesbians of Zimbabwe Association.

84. He welcomes the decision by the Magistrate on 26 February 2014 to quash the charges of running an 'unregistered' organisation brought against Ms. Tholanah and order the return of property that had been confiscated.

AMERICAS REGION

85. The Special Rapporteur sent 49 communications to countries in the Americas region during the reporting period. He notes with satisfaction the response rate of 61 per cent for the region, which constitutes a significant increase compared to 49 per cent during the previous reporting period. The Special Rapporteur also received four late responses to communications issued during previous reporting periods.

86. The Special Rapporteur reiterates grave concern at the number of killings of human rights defenders in the region. He is also concerned regarding the high number of cases of physical attacks, intimidation and harassment, perpetrated by State and non-State actors. Furthermore, the continuous pattern of threats, in particular death threats, made against activists in a number of countries is also of major concern. The Special Rapporteur wishes to remind Governments of their responsibility to ensure a safe and enabling environment in

which human rights defenders can carry out their work. While acknowledging that some regional countries have established national mechanisms for the protection of human rights defenders, the Special Rapporteur has received concerns about their effectiveness. He therefore encourages Governments that have not yet established national protection mechanisms to do so in an urgent matter, and those which have such mechanisms in place to engage fully with human rights defenders to ensure their protection needs are adequately met so that they continue their work without fear of reprisals.

87. The Special Rapporteur also draws attention to particular risks faced by environmental, land and indigenous rights defenders, who oppose government and private large-scale projects that could have negatives impacts on the environment and on local communities. There have been a number of incidents in which activists were threatened, arrested and detained on unfounded charges, physically attacked and killed. In addition, the Special Rapporteur notes increased restrictions on the exercise of the right to freedom of assembly and association, including restrictive legislation, as well as incidents of the use of excessive force during peaceful protests.

88. Another worrying trend in the Americas region is the defamation and stigmatisation of human rights defenders, often by State actors including government representatives. The Special Rapporteur urges Governments to ensure that public officials and media outlets refrain from taking part in smear campaigns against human rights defenders. He reiterates that the State has a duty to protect activists and promote a safe and enabling environment so that they can carry out their legitimate human rights work.

89. With regards to the accountability and responsibility of the Government to ensure that those responsible for human rights violations, including against human rights defenders, are brought to justice, the Special Rapporteur expresses concern at the high level of impunity in a number of countries in the region. He regrets that those who campaign against impunity often face threats due to their work to ensure that the perpetrators of human rights violations are brought to justice.

Argentina

90. JUA 20/12/2013 Case no: ARG 6/2013 State reply: 21/12/2013
28/01/2014
07/02/2014
10/03/2014
10/03/2014
26/03/2014

Alegaciones de ataques físicos contra familiares de un defensor de derechos humanos.

Observaciones

91. El Relator Especial agradece al Gobierno las respuestas a la comunicación enviada durante el periodo del presente informe que incluyen información detallada sobre las medidas tomadas por las autoridades con objeto de proporcionar protección adecuada a los defensores de derechos humanos. En particular, el Relator Especial expresa su satisfacción con la ratificación e intención expresada por el Gobierno de implementar protocolos sobre medidas de protección de acuerdo con las recomendaciones de la Comisión Inter-Americana de Derechos Humanos. Sin embargo, el Relator Especial lamenta que, en el

momento de finalizar este informe, no se había recibido respuesta a la comunicación enviada en el periodo anterior[2].

Bolivia

92. JAL 27/02/2014 Case no: BOL 2/2014 State reply: 23/06/2014

Presuntos actos intimidatorios, vigilancia y amenazas, incluyendo amenazas de muerte, contra defensores de derechos humanos.

93. JAL 30/10/2014 Case no: BOL 3/2014 State reply: 02/01/2015

Presunta adopción del reglamento parcial 1987 de la Ley 351 de Otorgación de Personalidades Jurídicas que restringe de manera la libertad de asociación de las personas.

Observaciones

94. El Relator Especial agradece a las autoridades las respuestas recibidas a las dos comunicaciones enviadas durante el periodo del presente informe y confía en recibir la respuesta sustantiva de la comunicación de noviembre 2014 lo antes posible. El Relator Especial agradece la explicación detallada proporcionada por el Gobierno en la respuesta recibida el 23 junio 2014 sobre las medidas de atención y protección disponibles y espera que sean implementadas cuanto antes.

95 El Relator Especial expresa su preocupación en relación con alegaciones de actos de intimidación, seguimiento y amenazas por parte de agentes estatales contra defensores de derechos humanos relacionados con sus actividades de promoción y protección de los derechos humanos, en particular su trabajo con víctimas de violaciones de derechos humanos.

96. Además, el Relator Especial se muestra preocupado por la Ley 351 de Otorgación de Personalidades Jurídicas decretado por la Asamblea Legislativa Plurinacional en 2013. De acuerdo a la Ley 351, se exigiría a las ONGs tramitar su reconocimiento de personalidad jurídica ante el Ministerio de Autonomías y tramitar la suscripción de un acuerdo marco de cooperación básica con el Estado para poder operar legalmente en el territorio. En sus Observaciones finales del 6 de diciembre de 2013, el Comité de Derechos Humanos requirió que el Estado Plurinacional de Bolivia modifique la Ley 351 que restringe de manera desproporcionada el derecho a la libertad de asociación.

Brazil

97. JAL 04/04/2014 Case no: BRA 3/2014 State reply: 27/08/2014

Alleged repression of peaceful protests, limitations on the right of peaceful assembly, interference with the right to freedom of association and allegations of legislation, including draft legislation, which unduly restricts the rights to peaceful assembly and association.

98. JAL 25/08/2014 Case no: BRA 7/2014 State reply: none to date

Alleged violent dispersal of peaceful demonstrations, excessive use of violence against, and arbitrary arrests of protestors, including human rights defenders, in the cities of São Paulo and Rio de Janeiro.

[2] A/HRC/25/55/Add.3, para.20

99. JAL 04/09/2014 Case no: BRA 8/2014 State reply: 10/12/2014

Allegations of threats and attacks against a human rights defender, and an attack against her family and raid on her home.

Observations

100. The Special Rapporteur thanks the Government for the reply received to two of the three communications sent during the reporting period. In particular, he thanks the Government for the detailed responses in relation to reported restrictions on the freedom of assembly and on the use of excessive force by law enforcement agents, in particular with regards to investigations that are being carried out and measures and initiatives in the training of law enforcement officers which take into account human rights principles. He encourages the Government to respond to the communication sent on 25 August 2014, and to answer the questions therein, as he considers the further allegations of the use of excessive force to be very serious. The Special Rapportuer reiterates concerns expressed in relation to restrictions and the use of excessive force against peaceful assemblies, including the violent dispersal of peaceful demonstrations, excessive use of violence, and arbitrary arrests of protestors, including human rights defenders, lawyers and journalists.

101. The Special Rapporteur expresses further concern at the reported use of Law 12.850 on Criminal Organizations to investigate, arrest and prosecute demonstrators and members of civil society organisations. In July 2014, an arrest warrant was issued for 30 individuals, including human rights defenders, who were allegedly suspected of conspiracy and belonging to a criminal organisation. Those arrested were later released pursuant to a habeas corpus mandate. The Special Rapporteur expresses his concern that the broad powers of investigation and potential abuse of such powers under law 12.850 may put the independence of associations and the safety of their members at risk, and may unduly interfere with the exercise of the right to freedom of association. While it is reported that allegations of the use of this law to investigate civil society organisations and human rights defenders are currently being investigated, he regrets that the Government has yet to response to the communication containing these allegations.

102. Further concern is expressed at the consideration of draft laws which, if adopted, would contravene international human rights law and standards and could unduly curtail the right to freedom of peaceful assembly and freedom of opinion and expression. A number of draft laws criminalizing acts of terrorism have been considered by the Parliament, in particular draft laws 728/2011, 499/2013 and 236/2012. While the Special Rapporteur acknowledges that law 728/201, regarding public safety during international sporting events, was rejected, the other two laws are still pending at the National Congress. He expresses concern that the proposed broad definitions contained in the aforementioned draft laws may unduly limit human rights and fundamental freedoms, in particular, the rights to freedom of peaceful assembly and of association.

103. The Special Rapporteur also expresses concern at threats and attacks against a human rights defender for reportedly publicly denouncing the actions of the police against sex workers during a raid, which included entering the building without a warrant, extortion, theft, robbery and rape. The Special Rapporteur welcomes developments in the investigations and the protection measures provided to the victim of these abuses. However, he remains concerned at the abuse of power and authority exercised by the police to intimidate and deter her from accessing justice.

Canada

104. JAL 07/11/2013 Case no: CAN 4/2013 State reply: 10/01/2014

10/01/2014

Allegations concerning discrimination in funding and retaliation acts against the Executive Director of the First Nations Child and Family Caring Society of Canada.

105. JAL 27/11/2014 Case no: CAN 1/2014 State reply: 27/01/2015
27/01/2015
27/01/2015
27/01/2015
27/01/2015
27/01/2015

Alleged surveillance of environmental and aboriginal organizations in the context of hearings concerning an oil pipeline project.

Observations

106. The Special Rapporteur thanks the Government for the detailed and substantive response received to the communication sent on 7 November 2013. He hopes to receive an equally substantive response to the remaining communication.

107. The Special Rapporteur takes note of the information received regarding relevant protection and remedies in Canadian Law as well as the views of the Government on the allegations regarding the communication on Ms. Blackstock, dated 7 November 2013. The Special Rapporteur notes with concern the findings of the Office of the Privacy Commissioner of Canada, which considered the allegations made that officials from the Aboriginal Affairs and Northern Development Canada (AANDC) and the Department of Justice repeatedly accessed and monitored Ms. Blackstock's social media feeds to be "well-founded". He takes note that the AANDC accepted this finding and that it complies with the recommendations made by the Office of the Privacy Commissioner. He looks forward to receiving information once the Canadian Human Rights Tribunal (CHRT) reaches a decision regarding the retaliation proceedings linked to the case.

Colombia

108. JUA 27/01/2014 Case no: COL 2/2014 State reply: none to date

Presunto patrón de asesinatos, ataques, y amenazas de muerte y allanamientos, perpetrados por grupos armados ilegales en contra de defensores de derechos humanos trabajando en conexión con el proceso de restitución de tierras en el país.

109. JUA 25/02/2014 Case no: COL 3/2014 State reply: none to date

Presunto patrón de ataques y amenazas de muerte perpetrados por actores no-estatales contra defensores de derechos humanos en Colombia.

110. JAL 11/08/2014 Case no: COL 6/2014 State reply: 08/10/2014

Presuntos asesinatos, ataques y actos de intimidación contra defensores de derechos laborales en Colombia.

111. JUA 24/09/2014 Case no: COL 8/2014 State reply: 23/10/2014

Alegación sobre amenazas de muerte contra 87 defensores y defensoras de los derechos humanos en Colombia.

112. JUA 21/10/2014 Case no: COL 9/2014 State reply: 14/11/2014

Presuntas amenazas y calumnias contra la Directora de una Fundación.

113. JAL 21/11/2014 Case no: COL 7/2014 State reply: 29/01/2015

Alegaciones de acoso, rastreo, intimidación y asesinatos de defensores de los derechos humanos ambientales de un movimiento de defensa de los territorios y las comunidades afectadas por la construcción de represas y proyectos mineros en Colombia.

114. PR 29/09/2014

Colombia: Expertos de la ONU advierten que el Proyecto de Ley sobre la jurisdicción penal militar representa un retroceso para los derechos humanos

115. PR 29/09/2014

Carta abierta de titulares de mandatos de los Procedimientos Especiales del Consejo de Derechos Humanos de las Naciones Unidas al Gobierno y a los representantes del Congreso de la República de Colombia

Observaciones

116. El Relator Especial agradece al Gobierno la respuesta a cuatro de las seis comunicaciones que envió durante el periodo del presente informe, así como la información detallada proporcionada sobre el mandato y las actividades de la Unidad Nacional de Protección. El Relator reconoce las medidas positivas adoptadas por el Gobierno para mejorar la protección de defensora/es de derechos humanos, y confía en que éste responderá las otras tres comunicaciones pendientes de contestación. El Relator destaca también el impulso que el Gobierno da al proceso de paz y el decisivo papel que en éste cumplen la/os defensora/es de derechos humanos. El Relator lamenta no haber recibido respuestas del Gobierno a las dos otras comunicaciones enviadas durante el periodo del presente informe y queda a la espera de recibir respuestas sustantivas lo antes posible.

117. El Relator Especial continúa preocupado por la persistencia en Colombia de un patrón persistente de asesinatos, ataques, amenazas de muerte y allanamientos en contra de defensora/es de derechos humanos. En su mayoría, estas violaciones son en su mayoría perpetradas por grupos armados ilegales o personas desconocidas, y se producen en contra defensores y defensoras que reivindican el proceso de restitución de tierras, los derechos humanos ambientales, los derechos de pueblos y comunidades indígenas, o se desempeñan como abogados, periodistas o sindicalistas.

118. El Relator Especial llama la atención sobre los actos de acoso e intimidación, los hostigamientos, las amenazas y los intentos de asesinato contra miembros de asociaciones de víctimas y familiares que promueven procesos de verdad y justicia. El Relator expresa su seria preocupación por las amenazas de muerte proferidas en contra de defensora/es de derechos humanos, que son suscritas por grupos armados ilegales tales como autodenominados Águilas Negras, las Autodefensas Gaitanistas de Colombia, el Ejército Antirestitución y Los Rastrojos. El Relator expresa su profunda preocupación por el hecho de que las amenazas estuvieran directamente relacionadas con sus actividades de promoción y protección de los derechos humanos, en particular, por las relacionadas con el impulso de procesos de justicia y reparación.

119. Para el Relator Especial, sin duda, la situación más preocupante es el alto número de asesinatos de defensora/es de derechos humanos, además de las amenazas de muerte contra ellos y sus familiares. El Relator expresa consternación por los asesinatos de sindicalistas y manifiesta grave preocupación por las amenazas recibidas por miembros de sindicatos y federaciones sindicales, que trabajan por los derechos laborales.

120. El Relator expresa su preocupación por que conductas que afectan a defensora/es y defensoras de derechos humanos, tales como amenazas, detenciones arbitrarias y lesiones personales, no se encuentran expresamente excluidas del conocimiento de la justicia penal militar. El Relator recuerda que la práctica de otorgar a tribunales militares el juzgamiento de violaciones graves de derechos humanos puede vulnerar principios básicos del derecho

a la justicia, entre ellos el del juez natural, el de igualdad ante la ley y el derecho a un tribunal independiente e imparcial

121. Por último, el Relator Especial continúa preocupado por el grado persistente de impunidad que prevalece en torno a los ataques y las violaciones perpetradas en contra de defensora/es de derechos humanos en Colombia. En algunos casos, se informa que no se han iniciado las investigaciones correspondientes a las denuncias recibidas por la Fiscalía General de la Nación. Por tanto, el Relator quisiera subrayar la importancia de que se realicen investigaciones prontas e imparciales, de que los responsables sean juzgados, y de que las víctimas reciban una reparación adecuada.

Cuba

122. JUA 04/12/2013 Case no: CUB 6/2013 State reply: 11/02/2014

Alegaciones de abuso físico y psicológico contra un periodista independiente y defensor de derechos humanos que se encuentra detenido.

123. JAL 28/02/2014 Case no: CUB 1/2014 State reply: 12/06/2014

Presunto hostigamiento y detención de defensores y defensoras de derechos humanos y activistas en conexión con la segunda Cumbre de la Comunidad de Estados Latinoamericanos y Caribeño.

124. JUA 21/07/2014 Case no: CUB 2/2014 State reply: none to date

Presuntos ataques, amenazas, detenciones arbitrarias y actos de represalia contra defensores y defensoras de derechos humanos en Cuba.

Observaciones

125. El Relator Especial agradece las respuestas recibidas a dos de las tres comunicaciones enviadas durante el periodo cubierto por el presente informe. El Relator lamenta no haber recibido respuestas del Gobierno a una de las comunicaciones enviadas durante el periodo del presente informe y queda a la espera de recibir respuestas sustantivas lo antes posible. Sin embargo, lamenta que las autoridades cubanas no reconozcan a las personas mencionadas en las comunicaciones como defensores de derechos humanos, y que consideren que las alegaciones presentadas por el Relator se basan en acusaciones infundadas y que las fuentes de información son poco fiables. El Relator Especial lamenta que las autoridades cubanas niegan categóricamente las alegaciones incluidas en las comunicaciones.

126. El Relator expresa preocupación por las alegaciones recibidas durante el periodo del presente informe relativas al hostigamiento y detención arbitraria de varios defensores y defensoras de derechos humanos y activistas, y también sobre el ejercicio de los derechos de reunión pacífica y libertad de opinión y expresión. En particular, expresa preocupación por el incremento en los últimos años de casos de hostigamiento, detenciones arbitrarias y malos tratos en particular en el marco de manifestaciones o reuniones pacíficas en favor de los derechos humanos, como por ejemplo aquellos que habrían tenido lugar en el contexto de la segunda Cumbre de la Comunidad de Estados Latinoamericanos y Caribeño (CELAC). El Relator expresa preocupación por los casos de allanamientos de las casas y vigilancia continuada de defensores de derechos humanos. En este contexto, el Relator expresa también grave preocupación por las amenazas, ataques, hostigamiento y detención de periodistas independientes, incluyendo casos de malos tratos contra periodistas que ejercen su profesión para promover los derechos humanos.

127. Al Relator le preocupa alegaciones de malos tratos y abuso físico y psicológico en detención. Como consecuencia, hay casos de defensores que hasta han intentado de quitarse la vida. El Relator manifiesta preocupación en particular por la integridad física y

psicológica de los defensores detenidos por posibles consecuencias, tanto físicas o psicológicas, de larga duración presentes en anteriores alegaciones. Además, expresa consternación por las alegaciones de involucramiento de agentes del Estado en el abuso físico y psicológico en detención.

128. Al Relator le preocupa la intimidación y represalia que los defensores enfrentan por participar con los mecanismos de derechos humanos internacionales y regionales, y en particular la participación en el Consejo de Derechos Humanos de Naciones Unidas.

129. El Relator Especial expresa su esperanza en que el Gobierno responderá favorablemente a su solicitud (2015) de visitar Cuba para obtener una mejor comprensión de la situación de los defensores y defensoras de los derechos humanos en el país. El Relator se pone a disponibilidad de las autoridades para ofrecer la toda asistencia que requieran.

Ecuador

130. JAL 31/12/2013 Case no: ECU 4/2013 State reply: none to date

Presunto cierre de una organización que trabaja por derechos medioambientales y de los pueblos indígenas de la Amazonía, basado en el Decreto no. 16.

131. JAL 05/09/2014 Case no: ECU 2/2014 State reply: none to date

Presunto cierre de una organización que trabaja por derechos medioambientales y de los pueblos indígenas de la Amazonía, basado en el Decreto no. 16.

Observaciones

132. El Relator Especial lamenta no haber recibido respuestas del Gobierno a las dos comunicaciones enviadas durante el periodo del presente informe y queda a la espera de recibir respuestas sustantivas lo antes posible. El Relator Especial quisiera reiterar la preocupación expresada durante el periodo del informe anterior respecto a la implementación del artículo 26 del Reglamento para el Funcionamiento del Sistema Unificado de Información de las Organizaciones Sociales y Ciudadanas (Decreto No. 16) que podría restringir indebidamente el derecho a la libertad de asociación[3].

133. En este sentido, el Relator Especial expresa preocupación por las alegaciones recibidas sobre el cierre, en aplicación del Decreto No.16, de la Fundación Pachamama, una organización no-gubernamental que trabaja pacíficamente y legítimamente para la promoción y defensa de los derechos humanos. Dicho cierre habría sido ordenado sin previo aviso y sin seguir las reglas mínimas del debido proceso. Asimismo se expresa preocupación por los supuestos acosos y actos de intimidación contra miembro de la organización. Además, el Relator Especial expresa seria preocupación respecto a las alegaciones recibidas sobre la detención de colaboradores de la Fundación Pachamama, que estarían relacionadas con su afiliación con la organización y por el legítimo ejercicio del derecho de reunión pacífica y colaboración con organizaciones que trabajan pacíficamente y legítimamente por la promoción y defensa de los derechos humanos.

Guatemala

134. JUA 06/12/2013 Case no.: GTM 10/2013 State reply: none to date

Supuestos actos de intimidación en contra de tres magistrados.

[3] A/HRC/25/55/Add.3, para. 142

135. JAL 10/03/2014 Case no.: GTM 1/2014 State reply: 08/05/2014

Presunta iniciativa legislativa que podría tener efectos restrictivos serios e indebidos sobre la libertad de reunión y expresión de las personas, particularmente de los defensores y las defensoras de los derechos humanos.

136. JAL 07/04/2014 Case no.: GTM 3/2014 State reply: none to date

Presuntas agresiones y detenciones de integrantes de la organización Comité de Desarrollo Campesino.

137. JAL 02/05/2014 Case no.: GTM 4/2014 State reply: none to date

Alegaciones de abuso de poder por parte del Tribunal de Honor del Colegio de Abogados y Notarios de Guatemala que suspendió a una jueza del ejercicio de la profesión de abogada por un año.

Observaciones

138. El Relator Especial agradece la detallada respuesta recibida a una de las cuatro comunicaciones enviadas durante el periodo del presente informe. El Relator Especial lamenta no haber recibido respuestas del Gobierno a las tres otras comunicaciones enviadas durante el periodo del presente informe y queda a la espera de recibir respuestas sustantivas lo antes posible. Agradece también que el Gobierno reconozca su responsabilidad en la implementación de medidas para la protección de los defensores y defensoras de derechos humanos.

139. El Relator Especial expresa preocupación por la integridad física y psicológica de los defensores de derechos humanos en el contexto de alegaciones de agresiones, intimidación, secuestro y detenciones relacionadas con sus actividades de promoción y protección de los derechos humanos, en particular los derechos de las poblaciones campesinas e indígenas. Preocupa especialmente el impacto que las declaraciones públicas de altos funcionarios del Gobierno pudieran tener en la seguridad de los defensores y defensoras de derechos humanos.

140. Además, el Relator Especial expresa su preocupación sobre la intimidación, hostigamiento y amenazas que enfrentan los abogados, jueces y otros sujetos procesales por haber desempeñado sus funciones en el ejercicio legítimo, independiente e imparcial de la judicatura, en particular con respecto a crímenes del pasado. Estos actos se enmarcarían en un clima creciente de intimidación y desprestigio contra defensores y defensoras de los derechos humanos, incluyendo operadores de justicia.

141. El Relator Especial expresa preocupación por una iniciativa de Ley para la Circulación por Carreteras Libres de Cualquier Tipo de Obstáculos que podría impedir el desarrollo de manifestaciones pacíficas si estas llegaran a entorpecer la circulación, imponiendo multas importantes. El 14 de marzo 2014, el Presidente habría aprobado esta ley. En su respuesta, el Gobierno niega categóricamente que esta ley tenga como objetivo la negación del derecho a la libertad de reunión pacífica. Sin embargo, el Relator Especial reitera su preocupación de que pudiera ser utilizada con este propósito. El Relator Especial reitera que, en el presente contexto, es esencial que las autoridades se pronuncien públicamente apoyando la importante labor que llevan a cabo los defensores y defensoras de derechos humanos en las sociedades plurales y democráticas.

Haiti

142. JUA 21/05/2014 Case no: HTI 1/2014 State reply: none to date

Allégations des menaces de mort perpétrées à l'encontre d'un défenseur des droits de l'homme.

143. JUA 21/08/2014 Case no: HTI 2/2014 State reply: none to date

Allégations concernant les menaces à l'encontre d'une défenseure des droits des femmes.

Observations

144. Le Rapporteur Spécial regrette qu'au moment de la finalisation du rapport, aucune réponse n'ait été reçue aux communications envoyées pendant la période couverte par le présent rapport et il encourage le gouvernement à répondre à ces communications.

145. Le Rapporteur Spécial exprime de sérieuses préoccupations par rapport à des informations reçues concernant des menaces de mort à l'encontre de défenseurs des droits de l'homme. Il reste très préoccupée quant à la vie et intégrité physique et psychologique des défenseurs des droits de l'homme en Haïti, surtout celles et ceux qui lutte contre l'impunité et la corruption.

Honduras

146. JUA 20/01/2014 Case no: HND 1/2014 State reply: none to date

Presunto patrón de ataques y hostigamiento contra organizaciones que trabajan en defensa de los derechos de las personas LGBTI en Honduras.

147. JUA 02/04/2014 Case no: HND 2/2014 State reply: none to date

Presunto atentado contra la vida de una defensora de derechos humanos y ataque contra su hijo de 12 años de edad.

148. JAL 11/04/2014 Case no: HND 3/2014 State reply: 24/10/2014
27/10/2014

Alegaciones de la situación de las comunidades indígenas lencas afectadas por la construcción del proyecto hidroeléctrico Agua Zarca en la región de Río Blanco, Intibucá.

149. JAL 16/04/2014 Case no: HND 4/2014 State reply: none to date

Alegaciones relativas al asesinato de un comunicador social y colaborador de Radio Progreso en Honduras.

150. JAL 26/05/2014 Case no: HND 5/2014 State reply: none to date

Presuntas agresiones por parte de agentes del orden y detención del Director de una organización que ofrece a niños y niñas ayuda en desamparo y trabaja con víctimas de explotación sexual y trata de personas.

151. JUA 20/06/2014 Case no: HND 6/2014 State reply: none to date

Presuntos actos de intimidación, represalias y agresiones contra integrantes del Comité de Familiares de Detenidos Desaparecidos en Honduras.

152. JUA 12/09/2014 Case no: HND 7/2014 State reply: none to date

Alegaciones sobre amenazas y actos de intimidación y hostigamiento contra periodistas y defensores de derechos humanos en Honduras.

153. PR 17/04/2014

"La impunidad perpetúa la violencia contra periodistas y defensores de derechos humanos en Honduras"

Observaciones

154. El Relator Especial agradece la respuesta recibida a una de las comunicaciones enviadas durante el periodo del presente informe y agradece la información detallada que se proporcionó en relación con los procesos legales actualmente en curso en el caso de los defensores indígenas referidos en la comunicación el 16 de abril de 2014. Sin embargo, lamenta que, en el momento de finalizar este informe, no se haya recibido respuesta a la mayoría de las comunicaciones enviadas. El Relator Especial insta a las autoridades a considerar de manera adecuada las comunicaciones enviadas desde esta oficina y a responder lo antes posible, considerando la gravedad de las violaciones.

155. El Relator Especial expresa su honda preocupación por el clima inhóspito y poco favorable en el que operan las y los defensores en Honduras. En particular, subraya los graves atentados contra la vida, además de ataques contra las familias de defensores de derechos humanos, incluyendo menores de edad. Expresa grave preocupación también por la integridad física y psicológica de defensores respecto a casos de actos de represalias, vigilancia y allanamientos por cooperación con instituciones internacionales, incluyendo la ONU.

156. Al Relator también le preocupa el patrón de ataques y actos de intimidación y hostigamiento contra integrantes de asociaciones que trabajan por los derechos humanos de las personas lesbianas, gays, bisexuales, transexuales e intersexuales (LGBTI). Desafortunadamente, el Relator no ha recibido una respuesta del Gobierno a la comunciaciones del presente informe ni en relación con comunicaciones anteriores, las cuales tratan de este asunto preocupante, en un contexto de creciente violencia e inseguridad para las personas LGBTI en Honduras y para aquéllas que trabajan contra la discriminación basada en la orientación sexual e identidad de género.

157. Además, el Relator Especial reitera su preocupación por la protección de los y las defensoras de derechos humanos y los periodistas y sobre los mecanismos nacionales de protección, los cuales no proporcionan la protección adecuada para los y las en riesgo. En particular, destaca la falta de investigación pronta y exhaustiva sobre los hostigamientos y amenazas en contra de defensores, y por lo tanto, la falta de protección contra los asesinatos o atentados contra la vida.

158. El Relator Especial se muestra muy preocupado por el alto nivel de impunidad que prevalece respecto a las agresiones y violaciones de los derechos de los defensores y defensoras, incluyendo asesinatos y atentados contra la vida, situación que ha sido objeto de numerosas comunicaciones por parte de los Procedimientos Especiales de las Naciones Unidas. El Relator exhorta a las autoridades a que tomen las medidas necesarias para que estos actos sean investigados de forma pronta y adecuada, que los culpables respondan ante la justicia y que las víctimas obtengan reparación adecuada, en particular, en casos en los cuales la policía, u otros agentes estatales, están involucrados en las violaciones de los derechos humanos de defensores, incluyendo el hostigamiento judicial.

Mexico

159. JUA 21/11/2013 Case no: MEX 11/2013 State reply: 28/03/2014

Presuntos continuados allanamientos del domicilio de un defensor de derechos humanos, así como detención arbitraria, uso excesivo de la fuerza y actos de tortura y malos tratos contra él y otras cuatro personas.

160. JUA 06/12/2013 Case no: MEX 12/2013 State reply: 20/01/2014

10/02/2014

Alegaciones de ejecuciones extrajudiciales, desaparición forzada y actos de tortura y malos tratos de habitantes del municipio de Iguala, estado de Guerrero, entre ellos un líder e integrantes de la Unidad Popular.

161. JAL 20/12/2013 Case no: MEX 13/2013 State reply: 18/03/2014

Alegaciones de cargos criminales de difamación así como una orden de aprehensión, agresiones y amenazas contra una periodista.

162. JUA 25/03/2014 Case no: MEX 2/2014 State reply: 06/07/2014

Presuntas amenazas de muerte, detenciones y agresiones contra integrantes de la Unión Cívica Democrática de Barrios Colonias y Comunidades.

163. JUA 17/04/2014 Case no: MEX 4/2014 State reply: 22/07/2014

Alegaciones de arresto arbitrario y desaparición forzada de un abogado defensor de los derechos humanos.

164. JUA 22/04/2014 Case no: MEX 3/2014 State reply: 04/09/2014

Presunta detención arbitraria y tortura de un defensor de derechos humanos.

165. JAL 05/05/2014 Case no: MEX 5/2014 State reply: 13/06/2014

Alegaciones de deficiencias en la implementación del Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas.

166. JUA 20/05/2014 Case no: MEX 7/2014 State reply: 24/10/2014

Presuntos actos de violencia, detención, desprestigio, hostigamiento y tortura en contra de una abogada, así como la judicialización y la criminalización de sus actividades en defensa de los derechos humanos.

167. JAL 23/05/2014 Case no: MEX 8/2014 State reply: 25/08/2014

Presunta falta de avance en la investigación y falta de ejecución de decisiones judiciales con relación a los asesinatos de dos defensores de derechos humanos en Oaxaca.

168. JAL 10/06/2014 Case no: MEX 9/2014 State reply: 05/09/2014

Presuntos actos de intimidación y represalias contra un defensor de derechos humanos en el Estado de Tamaulipas.

169. JUA 17/07/2014 Case no: MEX 10/2014 State reply: 05/11/2014

Presunta detención y actos de tortura e intimidación de dos defensores de derechos humanos trabajando en el contexto de mega-proyectos en México.

170. JUA 14/08/2014 Case no: MEX 14/2014 State reply: 11/11/2014

Presuntos actos de intimidación y amenazas contra familiares del Sr. Héctor Rangel Ortiz, desaparecido en Querétaro el 10 de noviembre de 2009.

Observaciones

171. El Relator Especial agradece al Gobierno las respuestas recibidas a todas las comunicaciones enviadas durante el periodo del presente informe, así como la información proporcionada sobre el mecanismo de protección, las investigaciones que se realizan y la participación de las víctimas en estas investigaciones. También toma nota de los esfuerzos para garantizar que el derecho de libertad de expresión y de asociación pacífica y el papel del periodismo sean respectados. Sin embargo, reitera su preocupación sobre el clima cada vez menos favorable en el que trabajan los defensores de derechos humanos en México, en

particular los que trabajan con comunidades campesinas e indígenas y en favor al derecho a la tierra.

172. El Relator expresa su honda preocupación por un caso muy grave de ejecuciones extrajudiciales y actos de tortura, malos tratos y desaparición sufridos por defensores de los derechos humanos en el estado de Guerrero, perpetrados por un grupo armado no estatal que opera presuntamente con la complicidad o acquiescencia de agentes de la Policía Municipal. El Relator condena la brutalidad sufrida por las víctimas. Uno de los defensores fue torturado a golpes, mediante quemaduras y puñaladas con un machete, antes de ser asesinado. El resto del grupo también fue víctima de torturas, por medio de golpes con machetes en el abdomen y en las rodillas, mientras eran objeto de constantes amenazas. Dos de ellos fueron asesinados. Además, las familias de las víctimas tuvieron que abandonar su pueblo por motivos de seguridad. La gravedad de este caso subraya la situación peligrosa para muchos defensores y, aunque las autoridades lo investigan, es necesario recalcar otra vez la responsabilidad de las autoridades de proteger los defensores, en particular considerando el hecho de que agentes estatales están involucrados en esas violaciones. Asimismo, el Relator expresa grave preocupación por las alegaciones sobre actos violentos y degradantes en contra de defensores de los derechos humanos por partede miembros de las fuerzas del orden y las informaciones recibidas indicando que los agresores no habrían sido llevados ante la justicia.

173. El Relator se inquieta también por el alto nivel de participación de agentes del orden y policía en actos de hostigamiento e intimidación de defensores de los derechos humanos. Sobre todo, son preocupantes las alegaciones de actos de tortura en manos de agentes del orden cuando las víctimas están bajo disposición policial, órdenes de aprehensión sin motivo justificado y falta del derecho a un juicio imparcial. Señala alegaciones de secuestro y retención ordenadas por la Subprocuraduría Especializada en Investigación de Delincuencia Organizada, durante las cuales las víctimas enfrentan detención incomunicada tortura, amenazas a sus familias y, en algunos casos, confesiones bajo coacción. Asimismo, expresa preocupación por las alegaciones de actos de intimidación y represalias que resultarían de la cooperación de estas personas con otro Relator Especial durante su visita al país. Al Relator Especial le preocupa también las alegaciones que indican que algunos de los defensores de los derechos humanos han sido imputados con cargos penales que pudieran estar relacionados con sus legítimas actividades de defensa y promoción de los derechos humanos, lo cual inhibiría el ejercicio de su trabajo en el campo de los derechos humanos.

174. En este contexto, el Relator quisiera señalar que algunas de las personas mencionadas en las comunicaciones enviadas durante el periodo del presente informe eran beneficiarias de protección por parte del Mecanismo Nacional de Protección para las Personas Defensoras de Derechos Humanos y Periodistas. Esta información es preocupante y revela ciertas deficiencias en la implementación de dicho mecanismo. Sobre todo, existen problemas en la ejecución de su mandato por deficiencias estructurales. En una comunicación anterior, los Relatores enviaron un análisis detallado sobre las medidas necesarias para mejorar el mecanismo y esperan que pudieran implementarse los cambios requeridos.

175. El Relator Especial quisiera de nuevo llamar la atención sobre el alto nivel de impunidad que prevalece en torno a las violaciones cometidas contra los defensores en el país. Sobre todo cuando se alega que las autoridades o agentes estatales participan en las violaciones. El Relator quisiera destacar la importancia de que se lleven a cabo investigaciones prontas, eficaces e imparciales sobre violaciones cometidas contra defensores y defensoras, que los responsables sean traducidos en justicia y que las víctimas reciban una compensación adecuada. La lucha contra la impunidad es esencial para combatir y prevenir las violaciones de los derechos de los defensores y las defensoras.

176. En sus conclusiones, el Relator reitera el peligro para los defensores en algunas partes de México e insta al Gobierno a asegurar que hay mecanismos adecuados en marcha para protegerlos. Reitera también su preocupación por casos de tortura, sobre todo en detención, y nota la necesidad de realizar el Protocolo de Estambul en cada caso de supuesta tortura. Es importante reconocer la responsabilidad del Gobierno de México de crear un clima seguro y favorable para los defensores de los derechos humanos.

177. El Relator Especial espera que el Gobierno responda favorablemente a su solicitud (2015) de visitar México para fortalecer su comprensión sobre la situación de los defensores de los derechos humanos en el país. El Relator se pone a disponibilidad de las autoridades de cara a ofrecer la guía y asistencia que sea requerida.

Peru

178. JAL 20/02/2014 Case no: PER 1/2014 State reply: none to date

Presunto intento de desalojo forzado, amenaza de muerte y actos de coacción contra una defensora de derechos humanos por parte de agentes estatales.

179. JUA 08/10/2014 Case no: PER 2/2014 State reply: none to date

Presunto supuestos ataques y asesinatos contra miembros de comunidades indígenas y defensores de derechos humanos en el Perú.

Observaciones

180. El Relator Especial lamenta que, al momento de finalizar este informe, aún no se tenga respuesta a las dos comunicaciones enviadas durante el período cubierto por el presente informe y queda a la espera de recibir respuestas sustantivas lo antes posible.

181. El Relator Especial manifiesta su especial preocupación por los ataques y asesinatos contra miembros de comunidades indígenas y defensores/as de derechos humanos, además de intentos de desalojos forzados, amenazas de muerte y actos de coacción por parte de agentes estatales además de empresas privadas, contra defensores/as de derechos humanos y sus familiares. La mayoría de las violaciones cometidas contra defensores/as indígenas son consecuencia de su férrea oposición a proyectos que amenazan el derecho a la tierra. Dichos defensores/as realizan labores de promoción y defensa de los derechos humanos y de las libertades fundamentales de las comunidades indígenas amazónicas. Estos hechos se enmarcarían en un contexto de violencia, acoso e inseguridad para los miembros de las comunidades indígenas amazónicas peruanas y los familiares de las víctimas.

182. El Relator Especial reconoce los esfuerzos por parte de la Vice-Ministra de Interculturalidad del Ministerio de Cultura para coordinar la respuesta del Estado en relación con los asesinatos de defensores/as e insta al Gobierno a llevar a cabo una investigación pronta y exhaustiva que identifique a los responsables y establezca todas las medidas necesarias para la protección y reparación de las víctimas.

183. El Relator Especial espera que el Gobierno responda favorablemente a su solicitud (2015) de visitar Peru para fortalecer su comprensión de la situación de los defensores de los derechos humanos en el país. El Relator se pone a disponibilidad de las autoridades de cara a ofrecer la guía y asistencia que sea requerida.

United States of America

184. JUA 23/02/2012 Case no: USA 24/2011 State reply: 03/10/2014

Alleged judicial and other harassment of activist.

185. JAL 27/12/2012 Case no: USA 25/2012 State reply: 02/05/2014

Alleged limitations on access to justice for migrant farmworkers in fourteen states of the U.S.A.

186. JAL 24/11/2014 Case no: USA 17/2014 State reply: none to date

Alleged non-compliance with international human rights law and standards of proposed amendments to the Rules of the House of Representatives governing disclosure of funding received by non-governmental organizations from foreign Governments.

Observations

187. The Special Rapporteur thanks the Government for the responses received to the two communications sent during previous reporting periods. He hopes for a prompt response from the Government to the communication sent during the present reporting period.

188. The Special Rapporteur wishes to draw attention to the draft Resolution to amend the rules of the House of Representatives to require witnesses that appear before committees in a non-governmental capacity to disclose any payment they or the entity they are paid to represent have received from foreign Governments. The right of associations to seek and receive resources is strictly governed by international human rights law, which provides that any restrictions must be proportionate and a necessary response to a pressing social need. In this regard there is concern that a legal requirement to systematically reveal funding from foreign sources may not meet this test of necessity and proportionality and may stigmatise civil society organisations and human rights defenders. The Special Rapporteur awaits a response to his communication, which examines and details the legality and necessity of such a resolution under international human rights law.

Venezuela

189. JUA 03/03/2014 Case no: VEN 1/2014 State reply: 03/04/2014
28/04/2014
28/04/2014
28/04/2014
28/04/2014

Alegaciones de violaciones graves de los derechos humanos durante protestas.

190. JUA 16/05/2014 Case no: VEN 4/2014 State reply: 04/06/2014
04/06/2014
04/06/2014

Presunto desalojo violento de manifestaciones estudiantiles; detención y posterior liberación del director de la ONG Un Mundo sin Mordaza, así como actos de hostigamiento, seguimiento y amenazas contra miembros de la ONG Foro Penal Venezolano.

191. JUA 27/06/2014 Case no: VEN 5/2014 State reply: none to date

Presunta criminalización y detención de activista contra la discriminación y por los derechos de las personas LGBTI.

192. JAL 03/10/2014 Case no: VEN 7/2014 State reply: 07/10/2014[4]

Presunta comparecencia ante el Ministerio Público del director de una ONG y declaraciones públicas contrarias a la presunción de inocencia.

193. PR 06/03/2014

Venezuela/Demonstrations: UN experts ask for clarification on alleged arbitrary detentions and use of violence

Observaciones

194. El Relator Especial agradece al Gobierno las tres respuestas sustantivas recibidas durante el periodo del presente informe, sobre todo en comparación con el periodo del informe anterior[5]. Es positivo que las autoridades tomen en cuenta las preguntas y las recomendaciones del Relator. Asimsimo, destaca la adopción de la Ley Especial para Prevenir y Sancionar la Tortura y Otros Tratos Crueles, Inhumanos o Degradantes en 2013 y la creación de la Comisión Nacional de Prevención de la Tortura, desarrollos reconocidos y promovidos por los Relatores Especiales.

195. El Relator expresa su honda preocupación por el patrón de graves violaciones de los derechos humanos contra defensores, en particular casos de asesinatos, tortura, detención arbitraria y límites a la libre expresión y asociación. En este contexto, toma nota específicamente de los casos en los cuales, durante manifestaciones pacíficas, incluyendo de estudiantes y de periodistas, las autoridades han respondido con la "mano de hierro" contra quienes consideran como "conspiradores". Este modo de abordar las manifestaciones incluye detenciones arbitrarias, malas condiciones en detención, falta de acceso a abogados y el uso desproporcionado de la fuerza por agentes de seguridad del Estado, además de ataques por parte de grupos civiles armados. Mientras el Relator reconoce que ha recibido una respuesta del Gobierno respecto de las manifestaciones y así como información con datos estadísticos proporcionados en relación con los manifestantes detenidos y la legalidad de su detención, le preocupa que el Gobierno ha utilizado la Ley anti-terrorista (Ley Orgánica contra la Delincuencia Organizada y Financiamiento al Terrorismo) para justificar los arrestos de todos los manifestantes detenidos y de nombrarlos 'terroristas' indicando que la mayoría de los manifestantes no eran estudiantes, ni defensores legítimos.

196. El Relator Especial expresa particular preocupación por la tendencia creciente de comentarios difamatorios contra defensores de derechos humanos por parte de altas autoridades públicas, entre ellos el Presidente de la Asamblea Nacional, el cual acusa a los defensores de apoyar la lucha política de la oposición y de participar en la promoción de violencia. Asimismo, expresa grave preocupación por las alegaciones recibidas indicando la detención, y actos de acoso, amenazas y señalamientos por parte de altas autoridades públicas contra defensores y defensoras de derechos humanos. Esta es una tendencia preocupante para defensores en Venezuela, considerando que las autoridades, quienes son las responsables de la seguridad de los ciudadanos, se pudieran convertir en la causa de la inseguridad.

197. El Relator expresa preocupación también por la detención y criminalización de un activista LGBTI, nuevamente bajo la Ley anti-terrorista. Estas alegaciones son formuladas en un contexto de creciente violencia e inseguridad para los defensores de los derechos de las personas LBGTI en Venezuela.

[4] The Government reply to communication VEN 7/2014 was omitted from A/HRC/28/85 due to technical problems and will be included in Part B of the forthcoming Communications Report to the 29th session of the Human Rights Council.

[5] A/HRC/25/55/Add.3, para.464

198. El Relator considera que las alegaciones recibidas son muy serias y confía en que serán debidamente investigadas, los culpables llevados ante la justicia y las víctimas recibirán reparación adecuada.

199. El Relator Especial espera que el Gobierno responderá favorablemente a su solicitud (2015) de visitar Venezuela para fortalecer su comprensión de la situación de los defensores y defensoras de los derechos humanos en el país. El Relator se pone a disponibilidad de las autoridades para ofrecer la guía y asistencia que requieran en este sentido.

ASIA-PACIFIC REGION

200. During the present reporting period, the Special Rapporteur sent 80 communications to countries in the Asia-Pacific region, which accounts for 35 per cent of the total number of communications sent from his mandate. He observes that the response rate for the region is 49 per cent. The Special Rapporteur also received one late response to a communication issued during the previous reporting period.

201. The Special Rapporteur notes with grave concern the high number of communications sent to the Asia-Pacific regionwith regard to acts of reprisals against human rights defenders for their cooperation with the United Nations and its human rights mechanisms. In total, 58 per cent of the reprisal cases taken up by the Special Rapporteur during the present reporting period were from this region. This is a worrying development, and the Special Rapporteur reiterates that the States in this region bear responsibility to ensure that human rights defenders can fully participate and cooperate with the UN and its human rights mechanisms without fear of intimidation or reprisals of any sort.

202. During the present reporting period, the Special Rappoteur observes a concerning number of communications that raised issues of intimidation, threats, harassment, physical attacks, killings and enforced disappearances of human rights defenders in the region. He expresses particular concern at the involvement of State agents in the harassment and unfair prosecution of human rights defenders in the region amid numerous reports of arbitrary arrests and detention, judicial harassment and lack of due process. In particular, the Special Rapporteur draws attention to increasing restrictions on freedom of assembly. In a number of countries, legislation that puts disproportionate restrictions on the organisation of, and participation in, peaceful demonstrations has led to cases of mass arrests and detentions of human rights defenders and protestors during peaceful demonstrations.

203. Grave concern is expressed at numerous reports of ill treatment and torture of human rights defenders who are in detention. In a number of cases that the Special Rapporteur addressed during the present reporting period, the cases of ill treatment also included the denial of adequate medical care, leading to the deteriorating health of some detained activists. The Special Rapporteur wishes to remind States in the region of their responsibility to protect and provide a safe and enabling environment for human rights defenders to conduct their work as well as to ensure the safety and wellbeing of those in detention, including the provision of adequate medical care and treatment.

Australia

204. JAL 04/09/2014 Case no: AUS 3/2014 State reply: 05/11/2014
23/12/2014

Alleged undue restrictions to the right to freedom of expression, opinion, and peaceful assembly contained in the draft Workplaces (Protection from Protestors) Bill 2014.

205. JUA 17/11/2014 Case no: AUS 4/2014 State reply: 16/12/2014

Alleged acts of intimidation and ill treatment of two asylum-seekers, one a human rights defender of asylum seekers' rights and the other a witness to the violent incidents that took place between 16 and 18 February 2014 in Manus Regional Processing Centre, Papua New Guinea.

Observations

206. The Special Rapporteur thanks the government of Australia for its replies to the two communications sent during the reporting period. While the Special Rapporteur understands that not all details can be shared in the case regarding the acts of intimidation and ill treatment of a human rights defender at the Manus Regional Processing Centre due to litigation in the High Court on the issue, he awaits a more substantive response once this case has concluded.

207. The Special Rapporteur expresses concern about the enactment of the Workplaces (Protection from Protesters) Act by Royal Assent on 17 December 2014, which unduly restricts the right to freedom of peaceful assembly and the right to freedom of opinion and expression. Although he is pleased that the mandatory imprisonment provision was removed from the Bill prior to enactment, he is concerned regarding the excessive restrictions on protests, which remain in the Act, including financial penalties.

208. The Special Rapporteur is also gravely concerned at the intimidation and ill treatment of asylum-seekers in Manus Regional Processing Centre following statements that they made regarding the violent attacks against asylum-seekers and the killing of an asylum-seeker in February 2014. While the Government's response highlights the fact that the Centre falls under the legal jurisdiction of Papua New Guinea, as was recognised by the Special Rapporteur as both countries received communications on the issue, and while certain improvements have been made, the Australian Government hired the company that runs the facility. When a state's security is privatised, this does not change the state's human rights obligations and, as such, Australia has an obligation to investigate allegations made against the company.

Bangladesh

209. JUA 27/12/2013 Case no: BGD 15/2013 State reply: none to date

Alleged torture and execution of members of the political opposition, journalists and human rights defenders.

210. JAL 25/03/2014 Case no: BGD 2/2014 State reply: none to date

Allegations of harassment, intimidation and surveillance of human rights defenders and persons associated with them, and alleged undue restrictions on the right to freedom of association.

211. JAL 02/07/2014 Case no: BGD 3/2014 State reply: 08/07/2014

Alleged undue restrictions to the right to freedom of association contained in the latest version of the draft Foreign Donations (Voluntary Activities) Regulation Act, 2014.

212. JAL 23/07/2014 Case no: BGD 4/2014 State reply: 31/07/2014

Alleged attack on members of the International Chittagong Hill Tracts Commission in Rangamati district, Chittagong Hill Tracts.

213. JAL 30/09/2014 Case no: BGD 6/2014 State reply: none to date

Alleged physical attacks, arrests and detention of trade union leaders and other human rights defenders.

Observations

214. The Special Rapporteur takes note of the acknowledgement of receipt to three out of five of the communications sent during the reporting period. He trusts that substantive responses will be provided shortly to all of these communications, particularly due to the serious allegations addressed therein.

215. The Special Rapporteur expresses grave concern at the violent suppression of public opinion and the torture of members of the political opposition, journalists and human rights defenders as well as in the arbitrary execution of at least 150 individuals. The Special Rapporteur also expresses concern for the physical and psychological integrity of human rights defenders in the context of physical attacks against them, as well as cases of arrest and detention and of surveillance and harassment, as a result of their peaceful and legitimate activities in the defence of human rights.

216. The Special Rapporteur is further concerned by the draft Foreign Donations (Voluntary Activities) Regulation Act 2014 which, if adopted, would unduly restrict the right to freedom of association. An earlier version of the Bill was the subject of an allegation letter sent on 23 October 2012 and the Special Rapporteur urges the Parliament to ensure its compliance with international human rights norms and standards.

Cambodia

217. JAL 17/02/2014 Case no: KHM 1/2014 State reply: 19/02/2014

Alleged current ban on demonstrations imposed in Phnom Penh, and the related arrest and detention of, and the alleged excessive use of force against, several peaceful protestors.

218. JUA 28/02/2014 Case no: KHM 2/2014 State reply: none to date

Allegation of excessive and indiscriminate use of force against protestors, resulting in killings and injuries, and arrest and detention (including incommunicado) of 23 individuals.

219. JAL 20/05/2014 Case no: KHM 3/2014 State reply: 28/08/2014

Alleged acts of intimidation and threats against the Project Coordinator of the Land Reform Project at the Cambodian Centre for Human Rights.

220. JUA 22/08/2014 Case no: KHM 5/2014 State reply: none to date

Allegations concerning the expropriation of land of community members of villages in Ta Ches commune, judicial harassment, intimidation and frequent attacks committed against them and denial of access to justice and resolution of their claims.

Observations

221. The Special Rapporteur thanks the Government for responses that were received to two of the four communications sent during the reporting period. He trusts that substantive responses will be received shortly to the remaining two communications, given the severity of the allegations contained therein.

222. The Special Rapporteur is very concerned at the obstruction to the right to freedom of assembly whereby the space for protests and demonstrations was restricted, in particular the ban on demonstrations introduced in Phnom Penh in January 2014. He is also concerned about the excessive use of force against protestors involved in demonstrations in January

2014, which led to the death of four people and several injuries, as well as the arbitrary arrests, and incommunicado detention of 23 individuals. The Special Rapporteur acknowledges the Government's response detailing the provisions of the Peaceful Demonstrations Law and the steps to establish commissions to investigate the events surrounding the protests in January 2014. However, he remains concerned at the convictions and suspended sentences imposed on protestors with lack of due process or the right to a fair trial.

223. The Special Rapporteur also expresses concern about the targeting of human rights defenders involved in the protection of land rights in Cambodia, including acts of intimidation and threats against those protecting the rights of the families on disputed land. The Special Rapporteur is pleased that the Ministry of Foreign Affairs and International Cooperation has asked the Ministry of Interior to open an investigation into the intimidation and threats against land rights defender Mr. Vann Sophath. He thanks the Government for its response containing information on the investigation. However, he reiterates his concern at reports of the appropriation of the land of certain communities and the judicial harassment, intimidation and frequent attacks on these communities. He encourages the Government to protect the communities and land rights defenders from such intimidation and attacks due to disputes over the right to land.

China

224. JUA 04/03/2014 Case no: CHN 2/2014 State reply: none to date

Alleged denial of medical treatment while in detention of a human rights defender.

225. JUA 01/04/2014 Case no: CHN 3/2014 State reply: 30/05/2014

Alleged incommunicado detention of a human rights lawyer.

226. JAL 03/04/2014 Case no: CHN 4/2014 State reply: none to date

Allegations of intimidation and reprisals against the daughter of a pro-democracy activist prior to the scheduled adoption of the report of the second Universal Periodic Review of the People's Republic of China.

227. JUA 08/04/2014 Case no: CHN 5/2014 State reply: 19/06/2014

Allegations of ongoing arbitrary detention and prolonged solitary confinement of a pro-democracy activist and his deteriorating health while in detention.

228. JUA 05/05/2014 Case no: CHN 6/2014 State reply: none to date

Allegations of arrest and ill treatment in detention of a human rights defender.

229. JUA 16/07/2014 Case no: CHN 7/2014 State reply: 20/08/2014

Allegations of arrest, detention and harassment of human rights lawyers and activists surrounding the 25th anniversary of the Tiananmen Square protests.

230. JUA 09/09/2014 Case no: CHN 8/2014 State reply: 14/10/2014

Alleged arrest, detention and interrogation of human rights defenders in China.

231. JUA 23/10/2014 Case no: CHN 9/2014 State reply: none to date

Alleged incommunicado detention of a human rights defender.

232. JUA 30/10/2014 Case no: CHN 10/2014 State reply: 08/12/2014

Alleged sentencing of a human rights activist to six and a half years' imprisonment and ill treatment and denial of medical treatment in detention.

233. JUA 17/11/2014 Case no: CHN 12/2014 State reply: none to date

Alleged arrest, detention and conviction of a human rights defender and harassment of his family.

234. PR 18/03/2014

Deadly reprisals: UN experts deplore the events leading to the death of Chinese human rights defender Cao Shunli, and ask for full investigation

Observations

235. The Special Rapporteur thanks the Government for responses to five out of ten communications sent during the reporting period. However, he raises concern that the response rate has decreased since the previous reporting period and therefore hopes to receive substantive responses to the remaining communications.

236. The Special Rapporteur expresses his concern that the majority of the communications sent were regarding the situation of human rights defenders who have been subject of several previous communications and that there seems to have been little, if any, change in their situation.

237. The Special Rapporteur expresses concern at the harassment, interrogation, detention, beatings and disappearances of numerous human rights defenders and of human rights lawyers in China as a result of their peaceful and legitimate human rights activities. There have been a number of cases of arbitrary and incommunicado detention, including cases of prolonged solitary confinement, whereby the human rights defenders have not been granted access to their families or lawyers and in certain cases information on their exact whereabouts and situation was not communicated. The Special Rapporteur also wishes to highlight his concern at the instances of intimidation, threats and ill treatment in detention, which has been widely reported as well as cases in which families of human rights defenders face harassment. Grave concern is expressed at the violent and repressive measures taken against human rights lawyers and activists while carrying out their peaceful work promoting democracy, combatting corruption, and providing legal representation to victims of human rights violations. As noted by the High Commissioner for Human Rights Navi Pillay on 3 June 2014, there was increased concern as numerous civil society activists, journalists and lawyers were detained in the run up to the anniversary of the 1989 Tiananmen Square protests and restrictions on the media and the internet.

238. The Special Rapporteur is also seriously concerned at the high number of reports of human rights defenders who have been denied adequate access to medical care. One such high-profile case is that of human rights defender Ms. Cao Shunli, whose health deteriorated rapidly in detention as she was not granted access to medical care or essential medicine, despite suffering from serious medical conditions, which led to her death on 14 March 2014.

239. Furthermore, the Special Rapporteur is deeply concerned about the arrest, detention and intimidation of human rights defenders in China due to their cooperation and engagement with the UN and its human rights mechanisms. The Special Rapporteur strongly urges the Government of China to ensure that human rights defenders can carry out their legitimate activities in a safe and an enabling environment; this includes through open and unhindered access to international human rights bodies without fear of reprisal.

240. The Special Rapporteur expresses his hope that the Government will respond favourably to his request (2015) to visit China to enable him to gain a better understanding of the situation of human rights defenders in the country. He remains available to provide guidance and assistance the Government might require.

India

241. JAL 11/04/2014 Case no.: IND 3/2014 State reply: none to date

Allegations of prosecution of two human rights defenders.

242. JAL 27/08/2014 Case no.: IND 5/2014 State reply: none to date

Alleged ban to enter India of the Secretary General of Asian Federation Against Involuntary Disappearances (AFAD), reportedly as a result of its work on enforced disappearances in Kashmir.

243. JAL 29/10/2014 Case no.: IND 7/2014 State reply: none to date

Allegations of threats against and surveillance of a human rights defender.

Observations

244. The Special Rapporteur regrets that, at the time of the finalisation of this report, no responses had been received to the three communications sent during the reporting period. He trusts that the Government will provide responses to these communications shortly, especially given the repeated incidents and ongoing harassment of many of these defenders, with little change to their situation.

245. The Special Rapporteur expresses concern regarding repeated defamation campaign and false charges against certain human rights defenders in India, most notably Ms. Teesta Setalvad and Mr. Javed Anand. They have faced continued harassment and the use of financial laws and allegations of embezzlement to obstruct their work. Ms. Setalvad, in particular, has been the subject of numerous communications from our office. In the majority of these cases brought against her, the allegations have been found to be false. The Special Rapporteur also expresses concern at the alleged threats against and surveillance of human rights defender Mr. Mohar Ali Mondal by the police.

246. The Special Rapporteur also expresses concern regarding the alleged ban on entering India imposed on Ms. Mary Aileen Diez Bacalso, Secretary General of the Asian Federation against Involuntary Disappearances (AFAD). During her three previous visits to India, she traveled to Kashmir to meet with families of disappeared persons and wrote reports on cases of enforced disappearances there and she had campaigned for the ratification by India of the Convention on the Protection of All Persons from Enforced Disappearance. This is not the first time that a representative of AFAD was not allowed to enter India. In 2010, an administrative officer of AFAD, who accompanied Ms. Diez Bacalso in her visit to Kashmir in 2009, was also refused entry. It is believed that these bans were imposed solely as a result of their legitimate human rights work.

Indonesia

247. JAL 11/04/2014 Case no: IDN 1/2014 State reply: none to date

Alleged undue restrictions on the exercise of the rights to freedom of peaceful assembly, expression and association of members of the Indigenous People of Biafra based in Indonesia.

248. JAL 01/05/2014 Case no: IDN 2/2014 State reply: none to date

Allegations of the violent dispersal of a demonstration in Jayapura, West Papua, on 2 April 2014, and the arrest and torture of two student demonstrators.

249. JAL 12/09/2014 Case no: IDN 4/2014 State reply: none to date

Alleged arbitrary arrest and detention of two journalists and an indigenous leader in West Papua, Indonesia.

Observations

250. The Special Rapporteur regrets that, at the time of finalising this report, no reply had been received from the Government of Indonesia to the three communications sent during the reporting period, particularly as the communications reiterate concerns previously expressed during other reporting periods and for which no replies were received.

251. The Special Rapporteur reiterates concerns regarding undue restrictions on the exercise of the rights to freedom of peaceful assembly, expression and association in Indonesia, including violent arbitrary dispersal of peaceful protestors, threats, arrests, excessive use of force, detention and torture of peaceful protestors and the denial of a permit to hold a peaceful rally on the grounds that the organisers were foreign nationals and that the organisation was not registered under domestic law. He also expresses concern regarding restrictions on journalists who expose human rights situations in the country. The Special Rapporteur reminds the authorities of their obligations under international law in regard to freedom of assembly, expression and association.

Iran (Islamic Republic of)

252. JUA 11/03/2014 Case no: IRN 2/2014 State reply: none to date

Alleged arrest, detention and sentencing to seven years in prison of a student and women's rights activist.

253. JUA 17/04/2014 Case no: IRN 7/2014 State reply: none to date

Alleged deteriorating physical health of three human rights activists due to denial of medical care in detention.

254. JUA 11/06/2014 Case no: IRN 9/2014 State reply: none to date

Alleged acts of reprisals in the form of the ill treatment of six human rights defenders and other detainees in Evin prison.

255. JUA 15/07/2014 Case no: IRN 12/2014 State reply: 07/01/2015

Alleged arbitrary detentions, ill treatment, and denial and inadequate provision of medical care to individuals for their involvement in human rights activities; alleged acts of reprisals against individuals for cooperating with the United Nations Human Rights Council.

256. JUA 21/07/2014 Case no: IRN 14/2014 State reply: none to date

Alleged arrest, imprisonment and denial of medical care to journalists and human rights activists in the Islamic Republic of Iran.

257. JUA 21/10/2014 Case no: IRN 25/2014 State reply: none to date

Alleged arrest and detention of a human rights activist, including as a form of reprisal for cooperating with the United Nations, its mechanisms and representatives in the field of human rights.

258. JAL 06/11/2014 Case no: IRN 26/2014 State reply: none to date

Allegations of a ban on the legal practice of a prominent lawyer and human rights defender in the Islamic Republic of Iran.

259. JUA 25/11/2014 Case no: IRN 28/2014 State reply: none to date

Alleged physical and psychological torture and ill treatment, including prolonged solitary confinement and denial of adequate medical care, of a spiritual leader and the arrest and detention of a blogger, in reprisal for their cooperation with the United Nations in the field of human rights.

260. PR 08/08/2014

Iran: UN rights experts condemn the recent wave of arrest and sentencing of civil society actors

Observations

261. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for the response received to one of the communications sent during the reporting period. However, he regrets that no responses have been received to the remaining seven communications and urges the Government to respond in a timely manner, particularly due to the serious allegations addressed therein.

262. The Special Rapporteur expresses his serious concern at the arrest, arbitrary detention and sentencing of human rights defenders, student activists, journalists and lawyers on the serious charge of "acting against national security", often without the fundamental guarantees of due process and fair trial for exercising their rights to freedom of opinion and expression, peaceful assembly and association.

263. The Special Rapporteur expresses serious concern regarding reports of acts of intimidation and reprisals in detention, including the torture and ill treatment of detainees, prolonged solitary confinement, prolonged and harsh investigation and psychological mistreatment. He also wishes to draw attention to the worrying denial and inadequate provision of medical care to individuals charged and sentenced based on their involvement in human rights activities. During this reporting period, the majority of communications sent by the Special Rapporteur to the Government have been in relation to the poor state of health and lack of access to health care for human rights defenders who are in detention. A number of these human rights defenders suffer from serious health conditions and are in urgent need of adequate treatment. The Special Rapporteur the Government for its responses regarding the health condition of four of the seven detained human rights defenders mentioned in the communication sent on 15 July 2014. However, he urges the authorities to provide information on the remaining three detainees, as well as those included in other communications during the present reporting period, as soon as possible as grave concern is expressed about their state of health and limited access to medical treatment.

264. The Special Rapporteur is also particularly concerned about numerous reports of reprisals against human rights defenders due to their engagement with the UN Special Rapporteur on the Situation of Human Rights in Iran and cooperation with other UN mechanisms and representatives. This includes reprisals against a prisoner and his family due to a letter addressed to the Special Rapporteur on the situation of human rights in Iran on the conditions in detention.

Lao People's Democratic Republic

265. JUA 09/12/2013 Case no: LAO 2/2013 State reply: 30/12/2013

Allegations of ongoing enforced disappearance of a prominent human rights defender.

266. JAL 07/11/2014 Case no: LAO 1/2014 State reply: none to date

Letter concerning undue restrictions to the right to freedom of expression and opinion caused by the newly approved Decree No. 327 on Internet-Based Information Control/Management.

267. PR 16/12/2013

A year on, the enforced disappearance of Sombath Somphone continues with impunity in Lao PDR

268. PR 23/12/2014

Lao: UN experts appeal for international help two years after the enforced disappearance of leading rights defender

Observations

269. The Special Rapporteur thanks the Government of Lao People's Democratic Republic (Lao PDR) for the response transmitted to the communication sent on 9 December 2013. However, he regrets that no response has been received to the other communication sent during the reporting period.

270. In relation to the ongoing disappearance of Mr. Sombath Somphone, the Special Rapporteur reiterates his grave concern that this could be related to his legitimate work on land rights in Lao PDR. In a joint press release on 16 December 2013, a group of UN human rights experts urged the Government to increase its efforts in the investigations into the enforced disappearance of Mr. Sombath Somphone as his case could greatly deter human rights defenders from operating in the country.

271. The Special Rapporteur also expresses concern about Decree No. 327 on Internet-Based Information Control/Management, which entered into force on 1 October 2014 and which appears to unduly restrict the right to freedom of opinion and expression in Lao PDR. Concern is expressed that the vaguely defined provisions may be used to silence any form of criticism of the policies and practices of the ruling party. The Special Rapporteur reiterates the call made in the communication sent on 7 November 2014 urging the Government to repeal this Decree or to review it in order to ensure its consistency with existing human rights norms and standards. Due to the restrictive nature of this Decree on the space for freedom of expression in civil society, the Special Rapporteur further encourages the Government to respond promptly to the questions raised in the communication.

Malaysia

272. JAL 12/07/2013 Case no.: MYS 6/2013 State reply: 14/08/2014

Allegations of arrest of, and possible charges against, three organizers of a private screening of a human rights documentary.

273. JAL 26/09/2013 Case no.: MYS 10/2013 State reply: 14/08/2014

Proceedings allegedly initiated against a human rights defender.

274. JUA 22/01/2014 Case no.: MYS 1/2014 State reply: 09/09/2014

Alleged reprisals against COMANGO, a coalition of Malaysian non-governmental organisations for their engagement with the Universal Periodic Review process.

275. JAL 05/05/2014 Case no.: MYS 3/2014 State reply: none to date

Alleged ongoing criminal proceedings against a human rights defender.

276. JAL 18/08/2014 Case no.: MYS 5/2014 State reply: none to date

Alleged human rights violation in relation to a peaceful protest by environmental and human rights defenders against an Australian Company, Lynas Corporation, and its Lynas Advanced Materials Plant.

277. JUA 01/10/2014 Case no.: MYS 6/2014 State reply: 14/10/2014

Allegations of criminalization of the lawful exercise of the right to freedom of opinion and expression, through application of the Sedition Act of 1948.

278. PR 08/10/2014

Malaysia Sedition Act threatens freedom of expression by criminalising dissent.

Observations

279. The Special Rapporteur thanks the Government for the detailed responses received to two of the four communications sent during the present reporting period, as well as to two communications that were sent in the previous reporting period.

280. The Special Rapporteur expresses grave concern at apparent acts of reprisals against COMANGO, a coalition of Malaysian NGOs, following their engagement in the Universal Periodic Review process. Concern is expressed at the harassment and apparent attempt to ban the coalition. On 10 January 2014, the spokesperson of the UN High Commissioner for Human Rights, Ms. Navi Pillay, publicly expressed her grave concerns regarding what she believes appears to be an act of reprisal against COMANGO for its engagement with international human rights mechanisms[6]. The Special Rapporteur is encouraged by the fact that COMANGO is no longer considered "illegal" and that, according to the Government's response, the coalition had been deemed "unregistered" under the Societies Act, rather than illegal. The Special Rapporteur further welcomes the Government's commitment to the full participation of civil society in the Universal Periodic Review process. However, he expresses concern in relation to the Government's compliance with certain provisions, which are protected under international human rights law.

281. The Special Rapporteur wishes to draw attention to concerns at charges that have been brought against an increasing number of human rights defenders, lawyers, political activists, academics and journalists under the Sedition Act of 1948, including for publicly expressing opinions, publishing books, articles, notes or disseminating opinions and information through different channels, including through the Internet and traditional media. It is reported that the authorities have made increasing use of the Sedition Act to prevent and criminalise the effective exercise of the right to freedom of opinion and expression. The Special Rapporteur is concerned that the vagueness of the provisions in the Act could be used to suppress expression and curb peaceful assembly. He welcomes the decision by the Sessions Court to allow an application by one of the persons charged with sedition to challenge the constitutionality of the Sedition Act at the High Court. He urges the Government of Malaysia to end the criminalization and prosecutions against the legitimate exercise of freedom of expression and opinion and to adjust its legislations including the 1948 Sedition Act, to be in-line with the international human rights standards.

282. The Special Rapporteur expresses further concern at the violations of the rights of environmental and human rights defenders in relation to their participation in a peaceful protest, including the excessive use of force by the police and their subsequent arrest, detention and the charges brought against them. In this regard, the Special Rapporteur reminds the Government of their responsibility to protect the right to the freedom of peaceful assembly.

[6] Press briefing notes on South Sudan, Malaysia and Myanmar (10 January 2014) http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14162&LangID=E#sthashyJz6RmEm.dpuf

Maldives

283. JAL 03/10/2014 Case no: MDV 2/2014 State reply: none to date

Allegations of serious criminal charges brought against all five members of the Human Rights Commission of the Maldives (HRCM) in reprisal for their cooperation with the United Nations human rights mechanisms.

284. JUA 07/10/2014 Case no: MDV 1/2014 State reply: none to date

Alleged abduction of a journalist after the publication of his article on death threats received by journalists reporting on gang violence.

Observations

285. The Special Rapporteur regrets that, at the time of the finalisation of this report, no response had been transmitted to the communications sent during the reporting period.

286. The Special Rapporteur is concerned by reports of the situation of journalists in the Maldives, in particular the abduction of Mr. Ahmed Rilwan Abdulla following an article he published on death threats received by 15 journalists who reported on gang violence. As Mr. Abdulla's fate and whereabouts remain unknown, the Special Rapporteur urges the authorities to ensure that a thorough investigation is promptly carried out into his enforced disappearance and into other incidents involving journalists due to their legitimate work reporting on human rights issues.

287. The Special Rapporteur is further concerned by charges brought against members of the Human Rights Commission of the Maldives and the undue interference of the Supreme Court into the independent work of the Commission following its submission of a report to the UN Office of the High Commissioner for Human Rights in view of the Universal Periodic Review of the Maldives in May 2015. He expresses his concern that the charges may be an act of reprisals against the Human Rights Commission of the Maldives for their cooperation with the UN and its human rights mechanisms.

288. The Special Rapporteur expresses his hope that the Government will respond favourably to his request (2015) to visit the Maldives to enable him to gain a better understanding of the situation of human rights defenders in the country. He remains available to provide guidance and assistance the Government might require.

Myanmar

289. JUA 17/03/2014 Case no: MMR 1/2014 State reply: 17/07/2014

Alleged arbitrary arrest and detention of a human rights defender.

290. JAL 11/04/2014 Case no: MMR 2/2014 State reply: 25/07/2014

Alleged undue restrictions of the right to freedom of association as contained in the last version of the draft Law relating to Registration of Organizations.

291. JUA 19/06/2014 Case no: MMR 4/2014 State reply: 25/07/2014

Concerns expressed in relation to the draft bill of Religious Conversion Law in Myanmar.

292. JUA 12/08/2014 Case no: MMR 5/2014 State reply: 27/10/2014

Alleged reprisals against a human rights defender for cooperating with the United Nations human rights mechanisms and the Human Rights Council Special Procedures in the form of arbitrary arrest.

Observations

293. The Special Rapporteur thanks the Government of Myanmar for the detailed responses provided to all four communications sent during the reporting period. However, he expresses his concern that the Government's responses received on 25 July 2014, which request the withdrawal of the joint letters sent to the Government and, as such, do not address the allegations raised in the communications.

294. The Special Rapporteur expresses his concern at the arrest and detention of Mr. Thaw Zin. While the Special Rapporteur welcomes the release of Mr. Thaw Zin on 26 September 2014, he remains concerned about the restrictive nature of the Right to Peaceful Assembly and Peaceful Procession Law which was adopted in 2011, as reiterated by the Special Rapporteur on the Situation of Human Rights in Myanmar in January 2015[7].

295. The Special Rapporteur is further concerned by reports of reprisals against human rights defenders for their cooperation with the UN human rights mechanisms and the Human Rights Council Special Procedures. In particular he reiterates his concern at the arrest and sentencing of Mr. Sein Than following his cooperation with the Special Rapporteur on the Situation of Human Rights in Myanmar, Ms. Yanghee Lee. Mr. Sein Than met with Ms. Yanghee Lee during her mission to Myanmar in July 2014 and was arrested while he was on his way to the main UN compound to provide further documentation for her attention.

296. Furthermore, the Special Rapporteur wishes to draw attention to the Law relating to Registration of Organisations and the draft laws on religious conversion and on interfaith marriage which are being debated by the Parliament. While the Special Rapporteurs welcomes the constructive dialogue between Members of Parliament, representatives of civil society and members of the international community, in relation to these laws, and the efforts to bring the laws into compliance with international norms and standards, there is still concern over a number of provisions which would unduly restrict a number of fundamental human rights, including the rights to religion and to freedom of association. The Special Rapporteur on the Situation of Human Rights in Myanmar has further highlighted the possible backtracking in the political reform process if these laws are not reviewed[8].

Nepal

297. JUA 03/10/2014 Case no: NPL 6/2014 State reply: none to date

Allegations of arbitrary arrest and detention of a human rights defender.

Observations

298. The Special Rapporteur regrets that, at the time of the finalisation of this report, no response had been transmitted to the communication sent during the reporting period.

299. The Special Rapporteur expresses grave concern at the arbitrary arrest and detention of Dr. Chandra Kant Raut, which appears to be related to his peaceful advocacy activities and activism and ultimately the exercise of his right to freedom of opinion and expression. He is especially concerned due to the charge of treason that has been brought against Dr.

[7] Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar (16 January 2015) http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15523&LangID=E#sthash.BQHSvZvx.dpuf

[8] UN rights experts raise alarm on draft bill imposing restrictions to religious conversion in Myanmar (20 June 2014) http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14988&LangID=E#sthash.HHkTsb0o.dpuf

Raut and instances of judicial harassment against his organisation Alliance for Independent Madhesh. The Special Rapporteur welcomes reports that Dr. Kaut was released on bail in November 2014, but remains concerned by reports received that he has not been afforded the right to a fair trial.

Pakistan

300. JAL 07/03/2014 Case no.: PAK 3/2014 State reply: none to date

Alleged undue restrictions of the right to freedom of association contained in the Foreign Contributions Bill (2013).

301. JUA 03/04/2014 Case no.: PAK 4/2014 State reply: 04/04/2014

Alleged harassment and intimidation of a human rights defender and his family.

302. JAL 22/05/2014 Case no.: PAK 7/2014 State reply: 26/05/2014

Alleged threats made against and the killing of a human rights lawyer related to his legitimate work as a lawyer.

Observations

303. The Special Rapporteur takes note of the acknowledgements of receipt to two of the three communications sent to the Government of Pakistan during the present reporting period, and trusts that a substantive response to each communication will be received shortly, given the seriousness of the allegations presented.

304. The Special Rapporteur expresses grave concern in relation to the Foreign Contributions Bill, which, if adopted, would regulate the use of foreign contributions by national and international non-governmental organisations. The Special Rapporteur reiterates his concern at the proposed law which could impose undue restrictions on the recipients of foreign funds, including criminalisation, as well as a limitation on right to freedom of association. The Special Rapporteur highlights his concern that the provisions of the Bill are vague and fall short of complying with international human rights norms and standards and that the adoption of this Bill could result in significant restrictions on the space for civil society and human rights organisations in Pakistan, and as such limit their legitimate and peaceful human rights activities.

305. The Special Rapporteur is further concerned by the intimidation of Mr. Nasrullah Baloch, which appear to have been an act of reprisal for his work on disappeared persons and his legitimate engagement with the United Nations and its human rights mechanisms. The Special Rapporteur remains concerned about the physical and psychological integrity of Mr. Nasrullah Baloch, as well as of his relatives and his colleagues.

306. The Special Rapporteur expresses concern at the intimidation of lawyers who advocate against the misuse of blasphemy laws in Pakistan and the killing of Mr. Rashid Rehman and who defend persons who are charged under such laws. He is further concerned for the physical integrity and safety of lawyers who work on blasphemy cases in Pakistan, amid reports that many are unwilling to take up such cases due to acts of intimidation and threats. The Special Rapporteur wishes to remind the Government of its responsibility to ensure a safe and enabling environment for human rights lawyers whereby they can practice without fear of repercussions.

Papua New Guinea

307. JUA 17/11/2014 Case no: PNG 4/2014 State reply: none to date

Alleged acts of intimidation and ill treatment of two asylum-seekers, one a human rights defender of asylum seekers' rights and the othera witness to the violent incidents that took place between 16 and 18 February 2014 in Manus Regional Processing Centre, Papua New Guinea.

Observations

308. The Special Rapporteur regrets that he has not received a response to the communication sent during the reporting period and he expects to receive a reply in due course.

309. As with the communication sent to the Australian government in this regard, serious concern is expressed at the intimidation and ill treatment of asylum-seekers in Manus Regional Processing Centre following statements that they made regarding the violent attacks against asylum-seekers and the killing of an asylum-seeker in February 2014. Further concerns are expressed regarding their physical and psychological integrity of asylum-seekers in Manus Regional Processing Centre. Though this is recognised as a complex issue as a company employed by the Australian Government runs the Centre, it is located in Papua New Guinea and is under the jurisdiction of Papua New Guinean law.

Philippines

310. JUA 04/03/2014 Case no: PHL 1/2014 State reply: none to date

Allegations of death threats directed against a reporter working on human rights related issues and his family.

311. JUA 31/03/2014 Case no: PHL 2/2014 State reply: none to date

Allegations of a series of killings, attempted killings and death threats against indigenous leaders, peasant leaders and environmental activists in the Philippines.

312. JAL 06/05/2014 Case no: PHL 3/2014 State reply: none to date

Alleged killing of a human rights defender and the increased harassment and surveillance of a human rights lawyer.

Observations

313. The Special Rapporteur regrets that, at the time of the finalisation of this report, no response had been transmitted to the three communications sent during the reporting period. He urges the Government to promptly respond to the communications sent, given the serious nature of the allegations raised therein.

344. The Special Rapporteur expresses particular concern at the reports of a series of killings, attempted killings and death threats against human rights defenders in the Philippines, especially of indigenous leaders, peasant leaders and environmental activists. All three communications sent during the reporting period raised concerns about an increasingly dangerous environment for human rights defenders amid cases of killings, threats and harassment as well as concern for the physical and psychological integrity of human rights defenders and their families. The Special Rapporteur urges the Government to ensure that prompt, thorough and impartial investigations are conducted with the aim of bringing those responsible to justice and to guarantee a safe and enabling environment in which human rights defenders can carry out their legitimate activities.

315. The Special Rapporteur expresses his hope that the Government will respond favourably to his request (2015) to visit the Philippines to enable him to gain a better understanding of the situation of human rights defenders in the country. He remains available to provide guidance and assistance the Government might require.

Republic of Korea

316. JAL 14/01/2014 Case no: KOR 1/2014 State reply: 10/04/2014

Alleged massive layoffs, arrest of trade union members and raid of offices of the Korean Railroad Workers Union in connection with a strike.

317. JAL 31/07/2014 Case no: KOR 4/2014 State reply: 28/10/2014

Alleged ban imposed on a teachers union.

318. JAL 18/08/2014 Case no: KOR 3/2014 State reply: 22/10/2014

Allegations of excessive use of force by governmental employees, private security and police officers against environmental human rights defenders and communities affected who were protesting against the construction of sixty-nine high-voltage (765kv) nuclear power transmission towers by the Korea Electric Power Corporation's in five villages of Miryang, Gyeongsang- do Province.

Observations

319. The Special Rapporteur thanks the Government for the detailed replies to the three communications sent during the reporting period.

320. The Special Rapporteur expresses concern at indications of restrictions on the space for trade unions, including on the right to strike. The unduly restriction on trade unions, including massive layoffs of staff, arrests, raids of offices, disbandment and possible disciplinary and criminal sanctions against some union members, has been highlighted in two of the three communications sent during the reporting period in relation to the infringement of the rights to freedom of assembly and association. While the Special Rapporteur acknowledges the Government's response detailing the provisions included in domestic law in this regard and the fact that not all information and outcomes can be shared as investigations are ongoing, he remains concerned that these restrictions do not comply with international norms and standards. The Special Rapporteur welcomes the investigations that are taking place into the legality of the measures taken and hopes that a fair and impartial conclusion can be achieved.

321. The Special Rapporteur also expresses concern at the reported excessive use of force by governmental, private security and police forces against environmental and human rights defenders, as well as communities affected by the construction of nuclear power transmission towers as a result of peaceful sit-ins that were taking place in opposition to this construction. The Special Rapporteur welcomes the creation of local assistance programmes as well as open dialog with the residents, as mentioned in the Government's response. He reminds the Government of its responsibility to ensure a safe and enabling environment for human rights defenders to carry out their legitimate and peaceful activism.

Singapore

322. JUA 12/12/2013 Case no: SGP 4/2013 State reply: 18/12/2013

Alleged contempt of court charge against a prominent LGBT rights activist.

Observations

323. The Special Rapporteur would like to thank the Government of Singapore for providing a detailed response to the communication sent on 12 December 2013. The Special Rapporteur remains concerned that charges were brought against the LGBTI rights defender due to comments allegedly made concerning the judicial system could have a negative impact on the possibility of public discussions on critical human rights issues as

well as on the operational space of the human rights defenders to exercise their legitimate right to freedom of opinion and expression without fear, intimidation and interference.

Sri Lanka

324. JUA 10/02/2014 Case no.: LKA 2/2014 State reply: none to date

Alleged acts of intimidation and reprisals, including death threats, directed against human rights defenders.

325. JUA 20/03/2014 Case no.: LKA 3/2014 State reply: none to date

Alleged arbitrary arrest and detention of three human rights activists.

326. JUA 21/03/2014 Case no.: LKA 4/2014 State reply: 23/09/2014

Allegations of reprisals on State television against 24 civil society organizations for submitting a report to the Human Rights Council.

327. JUA 27/03/2014 Case no.: LKA 5/2014 State reply: 10/07/2014
24/07/2014

Alleged threats made against a human rights defender during the Human Rights Council session.

328. JAL 08/08/2014 Case no.: LKA 8/2014 State reply: 19/08/2014

Allegations of surveillance and intimidation of a human rights lawyer and the lack of protection provided to him by the authorities.

329. JUA 14/08/2014 Case no.: LKA 10/2014 State reply: 18/08/2014

Alleged dispersal of, and acts of intimidation against, a group of individuals gathered to discuss cases of disappearance in Sri Lanka, and possible collusion between the assailants and the police.

330. JAL 24/11/2014 Case no.: LKA 12/2014 State reply: none to date

Joint letter in response to the request for clarifications received from the Government of Sri Lanka on 24 July 2014, concerning the communication sent to them on 27 March 2014.

Observations

331. The Special Rapporteur thanks the Government of Sri Lanka for its responses to three of the six communications sent during the present reporting period and trusts that responses will be received to the three remaining communications shortly.

332. The Special Rapporteur expresses serious concern in relation to acts of intimidation and death threats directed against human rights defenders. Grave concern is also expressed that in some cases, this includes acts of reprisals for cooperating with the UN and its mechanisms and representatives in the field on human rights, notably in connection with the visit of High Commissioner for Human Rights, Ms. Navanethem Pillay, to Sri Lanka in 2013. He also expresses concern at further reports of reprisals against human rights defenders following their participation and engagement with the UN Human Rights Council, including the use of media to defame human rights defenders and threats made to a human rights defender who participated in a side-event during a Human Rights Council session in Geneva. The Special Rapporteur acknowledges the Government response received on 23 September 2014, which outlines the parameters of domestic law specific to this case. However, he wishes to remind the Government of its responsibility under

international human rights law to ensure a safe and enabling environment for human rights defenders to carry out their legitimate work.

333. The Special Rapporteur notes the response from the Government in relation to human rights lawyer Mr. Upul Jayasuriya detailing the steps taken to provide him with special protection as well as information on the investigation into his case and urges them to ensure that human rights defenders are in a position to continue with their legitimate and peaceful work. He however expresses concerns regarding the arrest and detention, surveillance and intimidation of human rights defenders and for their physical and psychological integrity.

334. In addition, the Special Rapporteur wishes to encourage the adequate protection of the rights to freedom of expression and peaceful assembly in relation to the dispersal of, and acts of intimidation against, a group of individuals who had gathered to discuss cases of disappearances. The Special Rapporteur takes note of the acknowledgement of receipt and awaits a substantive response from the Government and urges the Government to ensure the physical and psychological integrity of human rights defenders working on the issue of disappearances in Sri Lanka.

335. The situation of human rights defenders was highlighted in the Concluding Observations of the Human Rights Council on 21 November 2014, in which concern was raised regarding acts of intimidation and harassment, including physical attacks, death threats as well as defamation campaigns against human rights defenders.[9]

336. The Special Rapporteur expresses his hope that the Government will respond favourably to his request (2015) to visit Sri Lanka to enable him to gain a better understanding of the situation of human rights defenders in the country. He remains available to provide guidance and assistance the Government might require.

Thailand

337. JUA 02/01/2014 Case no: THA 9/2013 State reply: none to date

Request for information on the status of the investigation on the case of human rights defender.

338. JAL 30/04/2014 Case no: THA 3/2014 State reply: none to date

Allegations of the use of defamation laws, in particular the Computer Crimes Act, to restrict the right to freedom of opinion and expression of two journalists.

339. JUA 06/05/2014 Case no: THA 4/2014 State reply: 09/10/2014[10]

Alleged attempted killing and intimidation of a human rights defender.

340. JAL 01/07/2014 Case no: THA 5/2014 State reply: 09/09/2014

Allegations of attacks and threats against villagers of Nanongbong, Loei Province, and environmental activists campaigning against the environmental and health impacts of gold mines in their communities.

341. JUA 12/09/2014 Case no: THA 10/2014 State reply: 15/09/2014

Alleged defamation complaint against two human rights defenders for their legitimate exercise of the right to freedom of opinion and expression and their

[9] CCPR/C/LKA/CO/5

[10] The Government reply to communication THA 4/2014 was omitted from A/HRC/28/85 due to technical problems and will be included in Part B of the forthcoming Communications Report to the 29th session of the Human Rights Council.

activities in monitoring, documenting and reporting on cases of torture and ill treatment.

342. JUA 12/11/2014 Case no: THA 12/2014 State reply: none to date

Reported non-compliance with international human rights law and standards of the draft Public Assembly Act, which, if adopted without further changes, may unduly restrict the right to freedom of peaceful assembly.

343. PR 11/03/2014

Thailand: 10 years after Somchai's disappearance, family still awaiting truth and justice

Observations

344. The Special Rapporteur thanks the Government for the responses received from the Royal Thai Government to three of the six communications issued during the reporting period. He trusts that responses to the remaining communications will be received shortly, given the situation for human rights defenders in a context of restrictions to the right to freedom of opinion and expression following the military coup on 22 May 2014. In this regard, the Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

345. The Special Rapporteur expresses particular concern at the consideration of a draft Public Assembly Act, which may unduly curtail the right to freedom of peaceful assembly and the right to freedom of opinion and expression, if adopted without further changes. He is concerned that the vague wording of the draft law could be used to arbitrarily restrict the right of peaceful assembly and impose disproportionate penalties, including holding organisers accountable for the actions of others. He encourages that the draft Act be amended in accordance with international human rights standards.

346. The Special Rapporteur is also particularly concerned by reports of attempted killings, intimidation, revocation of national passport, arrest warrants and criminal complaints filed against human rights defenders who document cases of human rights violations or who publicly voice criticism about measures adopted by the National Council for Peace and Order in Thailand in what appears to be reprisals for the legitimate exercise of the right to freedom of expression. He stresses his concerns regarding the use of the judicial proceedings on cases related to defamation, such as the defamation charges against journalists Mr. Alan Morison and Ms. Chutima Sidasathian for their monitoring and reporting on the situation of the stateless Rohingya people. The use of defamation laws to restrict the right to freedom of opinion and expression of journalists is a worrying trend. The Special Rapporteur notes, however, an update to the communication sent on 12 November 2014 regarding the formal submission by the police of a report to the Attorney General's office recommending non-prosecution for the complaint against Ms. Pornpen Khongkachonkiet and Mr. Somchai Homla-or. The Special Rapporteur further acknowledges the proposal by the Right and Liberties Protection Department to establish further provisions to ensure a safe and enabling environment for human rights defenders, as detailed in the Government's responses received on 9 September 2014 and 9 October 2014. As such, he encourages the Government to follow through with this proposal, in consultation with human rights defenders, to ensure that appropriate protection measures be put in place for human rights defenders at risk.

347. In relation to the attacks, threats and subsequent charges against villagers of Nanongbong and members of the Khon Rak Ban Keod Group due to their opposition to a gold mine, the Special Rapporteur thanks for the update received on 8 December 2014 informing him that the cases against the villagers, including human rights defenders, were withdrawn based on a conditional agreement between the villagers and the mining

company. The Special Rapporteur however remains concerned with the vulnerability faced by human rights defenders working on community, land, and environmental issues.

348. The Special Rapporteur also wishes to urge the Government to hold criminally responsible the perpetrators of the disappearance of human rights lawyer Mr. Somchai Neelaphaijit, as stated in a press release on 11 March 2014. He looks forward to receiving further information on the current status of the investigation. He also reiterates concerns for the physical and psychological integrity of the wife of Mr. Somchai Neelaphaijit, Ms. Angkhana Neelaphaijit, following threatening phone calls which may be related to her human rights activism in the search for justice in the cases of enforced disappearances.

Viet Nam

349. JUA 26/03/2014 Case no: VNM 4/2014 State reply: 30/05/2014

Allegations of harassment and assault of a human rights defender and his wife, and the ongoing detention of three of his friends.

350. JAL 31/03/2014 Case no: VNM 5/2014 State reply: 11/07/2014

Alleged denial for a journalist to travel to Geneva to participate in a side-event at the Human Rights Council in connection with the Socialist Republic of Viet Nam's Universal Periodic Review.

351. JUA 17/04/2014 Case no: VNM 6/2014 State reply: 15/07/2014

Alleged arrest, detention, sentencing and ill treatment while in detention of human rights defenders, in particular bloggers.

352. JAL 19/05/2014 Case no: VNM 7/2014 State reply: 24/07/2014

Alleged acts of reprisals against the head of the Buddhist Youth Movement in the form of arbitrary detention through house arrest.

353. JUA 12/08/2014 Case no: VNM 9/2014 State reply: 24/10/2014

Alleged arrest, detention and conviction of a blogger based on his public criticism of the Vietnamese governments' human rights record.

354. JUA 12/11/2014 Case no: VNM 10/2014 State reply: 30/01/2015

Alleged inadequate medical treatment in prison of a Hoa Hao Buddhist leading to a serious deterioration of her health and ultimately critical condition.

355. JUA 25/11/2014 Case no: VNM 11/2014 State reply: none to date

Allegations of continuous harassment and violence against independent religious communities in Viet Nam, as well as reprisals for cooperating the United Nations in the field of human rights.

Observations

356. The Special Rapporteur thanks the Government for the substantive responses to six of the seven communications that were sent during the reporting period and he looks forward to receiving responses to the remaining communication.

357. The Special Rapporteur expresses his concern at the arrest, detention, and sentencing, as well as the judicial harassment and assault of human rights defenders and bloggers for exercising their right to freedom of opinion and expression, including activities advocating for freedom of religion or belief. He is further concerned by the lack of due process in the trials of those sentenced. The reported shrinking space for human rights discussion and debate online is an increasingly worrying development. He is further

concerned by the treatment and conditions of a number of human rights defenders in detention, some of whom have been refused access to legal counsel, books and religious guidance.

358. The Special Rapporteur expresses further concern at the apparent restrictions, including the imposition of travel bans, against citizens and human rights defenders seeking to engage with the UN and its human rights mechanisms. This includes the denial of Mr. Pham Chi Dung from travelling to Geneva to participate in a side-event at the Human Rights Council. The Special Rapporteur reminds the Government of its responsibility to ensure that human rights defenders can cooperate freely with international human rights mechanisms.

359. The Special Rapporteur wishes to draw attention to cases of reprisals against human right defenders and some members of the independent religious communities for their cooperation with the UN Special Rapporteur on freedom of religion of belief during his visit to the country from 21 to 31 July 2014. Following the visit, the Special Rapporteur on freedom of religion or belief stated that any incidents of reprisal for engagement with him during his visit would be reported to the Human Rights Council and the General Assembly[11]. Since his visit, there have been a number of cases of reprisals against independent Hoa Hao Buddhists and Duong Van Minh believers who cooperated, or sought to cooperate with the Special Rapporteur on freedom of religion or belief during his official visit to Vietnam. Concerns are expressed at the continued suppression and persecution of independent religious communities, most of who are religious minorities and human rights defenders.

360. The Special Rapporteur expresses his hope that the Government will respond favourably to his request (2015) to visit Viet Nam to enable him to gain a better understanding of the situation of human rights defenders in the country. He remains available to provide guidance and assistance the Government might require.

EUROPE & CENTRAL ASIA REGION

361. During the present reporting period, the Special Rapporteur sent 37 communications to Governments in the Europe and Central Asia region. He notes with satisfaction the response rate of 79 per cent for communications sent to the region, which is significantly higher than other regions. The Special Rapporteur also received five late responses to communications issued during previous reporting periods.

362. The Special Rapporteur wishes to draw attention to the increasing obstructions to civil society space and the work of human rights defenders in a number of countries in Europe and Central Asia. A significant number of communications sent to the region addresses the drafting, passing or implementation of restrictive legislation. As has been the situation in recent years, non-governmental organisations in a number of countries in the region are operating under very restrictive legislation and face restrictions in connection to receiving foreign funding, to the extent that many can no longer continue their legitimate human rights activities. The use of anti-terrorism laws to restrict civil society space is also of concern, as well as the use of investigations and judicial harassment to further obstruct the work of human rights organisations.

363. The Special Rapporteur wishes to reiterate his concern regarding the ongoing targeting of defenders advocating for the rights of LGBTI persons, both by non-State actors

[11] Press Statement on the visit to the Socialist Republic of Viet Nam by the Special Rapporteur on freedom of religion or belief (31 July 2014)
http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14914&LangID=E#sthash.9FwnE6Pg.dpuf

in the form of threats, intimidation and physical attacks, as well as through recent legislation criminalising much of the work that they undertake.

364. In a number of communications, the Special Rapporteur has also highlighted a particularly worrying pattern of arbitrary arrest and detention, judicial harassment, charges brought against and the sentencing of human rights defenders as a result of their human rights work. A number of prominent human rights defenders from the region have been and remain detained due to their work. In addition, there are reports of ill treatment in detention. In terms of judicial harassment, instances of enforced psychiatric treatment for human rights defenders are of grave concern.

365. The Special Rapporteur expresses concern for cases of reprisals against human rights defenders for their cooperation with UN human rights mechanisms, as well as cases where travel bans have prevented human rights defenders from attending meetings and engaging with the UN.

366. The Special Rapporteur wishes to remind States in the region of their responsibility to protect and provide a safe and enabling environment for human rights defenders to conduct their work as well as to ensure the safety and wellbeing of those in detention, including the provision of adequate medical care and treatment.

Armenia

367. JUA 10/09/2013 Case no: ARM 1/2013 State reply: 27/02/2014

Allegations of threats and harassment of Armenian women's non-governmental organizations and women human rights defenders.

Observations

368. The Special Rapporteur thanks the Government of Armenia for its reply to the communication sent during the reporting period in connection to a public discussion concerning the adoption of Law No. 57 on Equal Rights and Equal Opportunities for Men and Women. He appreciates the Government's expressed commitment to gender equality as evidenced by the introduction of this law. He further notes the role of the Council on Women's Affairs, set up by the Prime Minister in 2000, to promote women's rights in society. The Special Rapporteur also acknowledges the Government's shared concern at the incidents of intimidation and harassment of non-governmental organisations working on women's rights and urges it to ensure that the law enforcement agencies are aware of such concerns and take necessary actions to adequately address them. The Special Rapporteur looks forward to receiving further information on the conclusion will be reached in the investigation into these incidents. However, the concluding observations by the Committee on Economic, Social and Cultural Rights in July 2014 highlights its concern at the deep-rooted patriarchy in society and of discrimination against women.[12]

Azerbaijan

369. JUA 11/04/2014 Case no: AZE 1/2014 State reply: none to date

Alleged death threats against a human rights journalist.

370. JAL 06/05/2014 Case no: AZE 2/2014 State reply: 15/07/2014

[12] E/C.12/ARM/CO/2-3 para.13

Allegations of charges faced by three human rights defenders in the aftermath of the 2013 presidential elections.

371. JAL 09/05/2014 Case no: AZE 3/2014 State reply: none to date

Alleged questioning at the airport and subsequent restriction of movement of two human rights defenders, and ongoing questioning of members of the Azerbaijani Institute for Peace and Democracy.

372. JUA 12/08/2014 Case no: AZE 4/2014 State reply: 14/10/2014

Allegations of surveillance, a travel ban, arbitrary arrests, interrogations, charges brought against and detention of three human rights defenders.

373. JUA 15/08/2014 Case no: AZE 5/2014 State reply: none to date

Alleged arrest of a human rights defender and the freezing of the accounts of at least nine NGOs.

374. PR 09/05/2014

UN Experts urge Azerbaijan to drop charges against human rights defenders.

375. PR 19/08/2014

Persecution of rights activists must stop – UN experts call on the Government of Azerbaijan.

Observations

376. The Special Rapporteur thanks the Government for the replies transmitted to two of the five communications sent during the reporting period but notes that this constitutes a decrease in the response rate compared to the last reporting period.[13]

377. The Special Rapporteur expresses concern at the increased persecution of human rights defenders and civil society organisations in Azerbaijan, including continued surveillance, arrest, interrogation, charging and pre-trial detention of a number of high-profile human rights defenders in the country. He is also concerned about received reports which indicate that a number of human rights defenders in pre-trial detention are being detained in poor prison conditions and have not been granted adequate access to medical care.

378. The Special Rapporteur is further concerned about the amendments to the Law on Grants, the Law on Non-governmental Organisations, and the Code of Administrative Offences, which increased penalties for organisations that are not approved by the Government through registration and that are therefore not legally entitled to receive funding for their cause. The Special Rapporteur believes that this constitutes an undue restriction to the right to associate freely, which further narrows the space for legitimate and independent work by human rights defenders, as was previously highlighted in the previous reporting period.[14]

379. The Special Rapporteur is also concerned about restrictions on the freedom of the media in the country and the number of received reports of death threats against a human rights journalist, which have allegedly not been investigated by the authorities. In that context, he shares concerns expressed by the Chair of the OSCE Parliamentary Assembly's

[13] A/HRC/25/55/Add.3, paras. 23-34

[14] A/HRC/25/55/Add.3, para. 32

Committee on Democracy, Human Rights and Humanitarian Questions, about continuing threats to journalists in Azerbaijan.[15]

380. The Special Rapporteur also expresses his concern at the charges brought against organisations involved in monitoring the Presidential elections in October 2013.

381. The Special Rapporteur invites the Government to provide further clarifications on the concerns expressed above. In that context, he hopes that the Government accepts his request (2015) to conduct an official visit to Azerbaijan.

Belarus

382. JUA 06/11/2014 Case no: BLR 2/2014 State reply: 16/01/2015

Allegations concerning the deportation of a human rights defender, on the basis of minor civil offences, linked with her legitimate human rights activities in Belarus.

Observations

383. The Special Rapporteur thanks the Government for the response to the communication sent regarding the deportation of Ms. Elena Tonkacheva, chair of the board of the Legal Transformation Centre (Lawtrend). While acknowledging the Government's clarifications for the decision of the internal affairs authorities to deport Ms. Tonkacheva and bar her from entering Belarus for three years, the Special Rapporteur regrets that the Government reportedly expelled her from the country on 21 February 2015.

384. The Special Rapporteur continues to receive concerns at the severe restrictions in place on the rights to freedom of association, assembly and expression in the country. This includes the use of legal and administrative provisions or the use of the judicial system to criminalise defenders and significantly curtail civil society activism. Such actions by the State, including revoking permanent residence status, highlights the ever–increasing restrictions on civil society and the legitimate work of human rights defenders. The restrictive context has also been underlined by the Special Rapporteur on the situation of human rights in Belarus, who notes that human rights defenders are under constant political pressure from the authorities in the context of severe limitations of the right to independent civil society activities.[16]

385. Following requests from the Government of Belarus for more information concerning the Declaration on Human Rights Defenders, the Special Rapporteur reiterates his availability to provide guidance to the Government in that connection, as well as on any issue related to the establishment and consolidation of a safer and more enabling environment for human rights defenders. In that context, the Special Rapporteur hopes that the Government accepts his request (2015) to conduct an official visit to Belarus.

Bosnia and Herzegovina

386. JAL 07/02/2014 Case no: BIH 1/2014 State reply: 17/04/2014

Alleged violent disruption of the Queer Festival Merlinka in Sarajevo.

[15] "Azerbaijan: OSCE PA's Santos decries continuing threats to civil society and journalists, renews request for visits", (26/02/2015): http://www.osce.org/pa/142966

[16] A/69/307

Observations

387. The Special Rapporteur thanks the Government for the prompt and detailed reply received to the communication sent on the violent disruption of the Queer Festival Merlinka in Sarajevo. While noting the Government's expressed commitment to non-discrimination as evident by the adoption of the Law on the Prohibition of Discrimination and the Law on Gender Equality, the Special Rapporteur looks forward to receiving results of the investigation carried out by the police and Sarajevo Cantonal Prosecutor's Office into the events and encourages the Government to take specific measures to ensure protection to organizers and participants of future public events aimed at addressing and raising awareness of discrimination on the basis of sexual orientation and gender identity in the country.

Cyprus

388. JAL 05/06/2014 Case no: CYP 3/2014 State reply: 05/08/2014

Alleged acts of intimidation and reprisals against a human rights defender for cooperation with United Nations Committee Against Torture (UNCAT) in the form of temporary arrest and ill treatment.

Observations

389. The Special Rapporteur thanks the Government for the detailed response to the communication sent on alleged acts of intimidation and reprisals against Mr. Doros Polykarpou, Executive Director of Action for Support, Equality and Antiracism – KISA, in the form of the temporary arrest and ill treatment.

Georgia

390. JAL 13/06/2013 Case no: GEO 1/2013 State reply: 12/01/2015

Alleged lack of effective protection provided to demonstrators during the International Day against Homophobia and subsequent threats made against members of an LGBT organization.

391. The Special Rapporteur notes the Government's response to the communication dated 13 June 2013, which was sent during the previous reporting period. While he notes the Government's stated efforts to ensure a peaceful demonstration and, subsequently, to investigate the incident, the Special Rapporteur remains concerned about the lack of sufficient and effective protection afforded to the LGBT defenders in the exercise of their legitimate right to freedom of peaceful assembly and of opinion and expression. He therefore encourages the Government to put in place measures to ensure a safer and more enabling environment for human rights defenders, including LGBT activists.

Hungary

392. JAL 16/07/2014 Case no: HUN 1/2014 State reply: 15/09/2014

Alleged lack of a proper legal basis for the audits conducted by the Hungarian Government Control Office of civil society organizations working on human rights issues connected to the European Economic Area (EEA) and Norwegian Financial Mechanism.

Observations

393. The Special Rapporteur thanks the Government for its response to the communication regarding allegations of lack of proper legal basis of government audits of civil society organizations working on human rights issues in the country. The Special Rapporteur notes the clarifications provided by the Government on the background and reasons of the institutional changes affecting the EEA and Norwegian Financing Mechanism. He however remains concerned that, besides allegations of the lacking proper legal basis, the investigation appears to be obstructing and stigmatizing the work of NGOs working to promote and protect human rights in Hungary. Reiterating that the State has a duty to provide a safe and enabling environment for human rights defenders to conduct their work, the Special Rapporteur wishes to stress his readiness to provide guidance and assistance the Government may require in this regard.

Kazakhstan

394. JUA 22/08/2013 Case no: KAZ 4/2013 State reply: 22/09/2014

Alleged psychiatric detention of two mentally fit human rights defenders.

395. JUA 31/01/2014 Case no: KAZ 1/2014 State reply: 28/03/2014
07/04/2014

Alleged persecution of several Jehovah's Witnesses for alleged illegal missionary activity.

396. JUA 21/07/2014 Case no: KAZ 2/2014 State reply: 22/09/2014

Alleged detention, ill treatment and failure to conduct a fair and lawful trial to avoid the involuntary detention, and forced psychiatric confinement of a human rights lawyer.

Observations

397. The Special Rapporteur wishes to thank the Government for providing detailed responses to the communications sent during the reporting period, as well as to a communication dated 22 August 2013. The Special Rapporteur wishes to highlight the apparent judicial harassment of certain human rights lawyers in relation to their human rights activism.

398. The Special Rapporteur acknowledges the detailed response from the Government to the communication sent on 31 January 2014, which outlines Kazakshtan's policies and legislations in the area of freedom of religion. He however urges the Government to provide more specific information concerning the questions raised in the communication on the case of human rights lawyer Mr. Yuriy Toporov, who was convicted of an administrative offence in March 2014 and had to leave the country after legally representing the religious minority of Jehovah's Witnesses who are reportedly subjected to crackdown and persecution.

399. The Special Rapporteur is particularly seized by the case of the involuntary psychiatric confinement of human rights lawyer Ms. Zinaida Mukhortova. He is concerned that in its response the Government does not recognise Ms. Mukhortova as a human rights defender, despite abundant evidence of her work as a lawyer on human rights issues for ten

years. While welcoming the release of Ms. Mukhortova on 15 December 2014, the Special Rapporteur remains concerned with her physical and psychological integrity given that her release is only conditional and that she might be detained again. The Special Rapporteur reiterates that a State has a duty to protect and provide a safe and enabling environment for human rights defenders to conduct their work in Kazakhstan, and he remains available to provide guidance the Government may require in this regard.

Kyrgyz Republic

400. JAL 06/05/2014 Case no: KGZ 1/2014 State reply: none to date

Alleged discriminatory consequences and negative impact on the peaceful and legitimate work of human rights defenders of the draft Bill "On the formation of a positive attitude toward non-traditional forms of sexual relations".

401. JAL 22/05/2014 Case no: KGZ 2/2014 State reply: none to date

Alleged physical attack against a human rights lawyer by an official at the Ministry of Internal Affairs.

402. JUA 10/09/2014 Case no: KGZ 4/2014 State reply: none to date

Alleged physical attack against a human rights lawyer and threats against him and the NGO he works for.

403. JAL 23/09/2014 Case no: KGZ 5/2014 State reply: none to date

Allegations concerning amendments to the laws governing non-profit organisations which, if adopted without further changes, may unduly restrict the right to freedom of association.

404. PR 26/11/2014

Kyrgyzstan: "Don't condemn LGBT people to silence" – UN rights experts urge Parliament to withdraw anti-gay bill

Observations

405. The Special Rapporteur regrets that, at the time of finalising this report, no responses have been received to any of the communications sent during the reporting period. He strongly urges the Government to provide responses to the communications due to the severity of the issues addressed therein.

406. The Special Rapporteur expresses particular concern regarding two draft laws which are being considered by the Parliament that would restrict the work of human rights defenders and defenders working on the rights of LGBT persons. He is concerned by the draft bill "On the formation of a positive attitude toward non-traditional forms of sexual relations", which would impose a range of criminal and administrative sanctions for disseminating information that encourages what are considered "non-traditional sexual relations" in the Kyrgyz Republic. He notes that in April 2014 the Human Rights Committee underlined reports of violence against LGBT persons by both State and non-State actors, and the failure on the part of the State to address such violence.[17] The Special Rapporteur reiterates his concerns given that the draft law passed its first reading at the parliament in October 2014 and urges the Kyrgyz Parliament to reject the proposed law, which would be in contravention to fundamental human rights and impede the work of LGBT activists in the country.

[17] CCPR/C/KGZ/CO/2, para 9

407. The Special rapporteur is also concerned with the draft law "On Introducing Amendments and Changes to Some Legislative Acts of the Kyrgyz Republic" which, if adopted, would restrict the right to freedom of association and may lead to the criminalisation of the work of human rights defenders. The adoption of this proposed amendment would contradict both national and international law pertaining to freedom of association and obstruct the legitimate work of human rights organisations.

408. The Special Rapporteur is seriously concerned about the situation for human rights defenders in the Kyrgyz Republic, especially with regards to cases where the authorities have been accused of perpetrating the physical attacks and threats against human rights defenders. .

409. The Special Rapporteur hopes that the Government of the Kyrgyz Republic will respond favourably to his 2015 request for official visit, which will enable him to gain a better understanding of the situation of human rights defenders in the country.

Norway

410. JUA 04/04/2013 Case no: NOR 1/2013 State reply: 30/04/2014

Alleged imminent risk of deportation of a human rights defender who may be at risk of enforced disappearance, torture and killing by Pakistani security forces, if forcibly returned to Pakistan.

Observations

411. The Special Rapporteur thanks the Government for the reply to the communication sent in the previous reporting period. The Special Rapporteur welcomes the deferral of the deportation in order to re-examine and assess the situation. He urges the authorities involved to give thorough consideration to the serious and life-threatening risks faced by the human rights defender if forcibly returned to Pakistan.

Republic of Moldova

412. JUA 18/06/2014 Case no: MDA 1/2014 State reply: 18/08/2014

16/09/2014

Alleged detention and ill treatment of a human rights defender in connection with his legitimate activities.[18]

Observations

413. The Special Rapporteur thanks the Government of the Republic of Moldova for its response to the communication sent during the present reporting period detailing the investigation process into the case of Mr. Andrey Rezanov. He also takes note of the Government's acknowledgement of the challenges in ensuring the protection of human rights defenders in the Transnistrian region of the Republic of Moldova and appreciates its efforts in transmitting his concerns to the relevant authorities in the region.

[18] This communication has been also sent to the attention of relevant de-facto Transnistrian authorities through the assistance of the UN Resident Coordinator in Moldova (OTH 8/2014), to prevent human rights protection gaps and ensure that all human rights defenders can effectively enjoy their fundamental rights and freedoms wherever they live.

414. The Special Rapporteur expresses concern at the ill treatment of Mr. Rezanov while in custody and the decision to revoke his early release. Concern is also expressed at the fact that his case was re-examined following his work promoting and protecting human rights in the Transnistrian region of the Republic of Moldova. He further observes that the European Court of Human Rights is currently examining the alleged illegal deprivation of liberty, ill treatment and the right to effective remedy of Mr. Rezanov.

Russian Federation

415. JAL 18/12/2013 Case no: RUS 13/2013 State reply: 19/02/2014

Enforcement of the Law on "Introducing Amendments to Legislative Acts of the Russian Federation in Part Regulating Activities of Non-Commercial Organizations which Carry Functions of Foreign Agents".

416. JAL 20/12/2013 Case no: RUS 14/2013 State reply: 20/01/2014

Alleged arbitrary detention of 30 environmental activists after their participation in a peaceful protest against oil drilling in the Arctic Circle.

417. JUA 07/03/2014 Case no: RUS 3/2014 State reply: 16/07/2014

Alleged enforced disappearance of an environmental rights defender.

418. JAL 31/03/2014 Case no: RUS 4/2014 State reply: 14/07/2014

Alleged torture in detention of a human rights activist and stigmatisation of his lawyer.

419. JAL 20/06/2014 Case no: RUS 5/2014 State reply: 25/08/2014

Alleged problematic implementation and amendments to the Law on Non-commercial Organizations which Carry Functions of Foreign Agents.

420. JUA 12/08/2014 Case no: RUS 6/2014 State reply: 06/10/2014

Allegations of an attack, smear campaign, stigmatization and acts of intimidation against several human rights defenders working for organizations that have their offices in the Human Rights House Voronezh (HRHV).

421. JAL 25/09/2014 Case no: RUS 7/2014 State reply: 24/11/2014

Allegations of threats, deportation and categorisation of an NGO as a 'foreign agent'.

422. JAL 02/10/2014 Case no: RUS 8/2014 State reply: 28/11/2014

Alleged prevention of travel of four indigenous rights defenders to take part in the United Nations World Conference on Indigenous Peoples in New York.

423. JUA 14/11/2014 Case no: RUS 9/2014 State reply: 17/12/2014

Alleged court application for the closure of an umbrella human rights organization and defamation of an affiliated NGO.

Observations

424. The Special Rapporteur notes with satisfaction the Government's replies received for all of the communications sent during the reporting period. However, he observes that not all of the questions raised in the communications were addressed by the Government in its responses.

425. The Special Rapporteur reiterates his serious concern about the use of the legal and administrative framework to restrict the exercise of the rights to freedom of opinion and

expression, association and peaceful assembly, which creates an extremely challenging environment for human rights defenders to carry out their legitimate human rights work.

426 The Special Rapporteur remains concerned at the enforcement of and amendments to the Law on Introducing Amendments to Legislative Acts of the Russian Federation in Part Regulating Activities of Non-commercial Organizations which Carry Functions of Foreign Agents. Concern has previously been expressed by a number of special procedures and UN treaty bodies, as well as noted in the previous observations report of the Special Rapporteur,[19] with regard to the negative impact of this law, in particular the interpretation of vaguely defined concepts such as "engaging in political activities" or "staging political actions to influence public policy or opinion", on the legitimate work of human rights defenders and civil society organisations.

427. The Special Rapporteur is also concerned by the amendment to article 22 of the same law to allow the Ministry of Justice, at its own initiative and without a court decision, to register non-commercial organizations that act as "foreign agents". There is further concern at the use of this law to restrict the activities of a number of organisations due to their criticism of this very law, which is a worrying trend for human rights defenders who exercise their rights to freedom of expression and of assembly as part of their human rights work. In this context, the Special Rapporteur noted with concern that a renowned organization "Human Rights Center Memorial" is facing a legal battle in the courts against the Justice Ministry's decision to include them into the registry of "foreign agents."

428. Special Rapporteur notes that the submission was made in February 2015 to the State Duma of the Russian Parliament of a draft law to introduce procedures to remove non-governmental organizations from the "foreign agent" register. The Special Rapporteur welcomes the decision of the Supreme Court on 28 January 2015 to reject the lawsuit filed by the Minister of Justice against NGO Historical, Educational, Human Rights and Charitable Society "Memorial" on the charges of "infringements" due to the group's organisational structure. This is a positive move in the context of increasing restrictions on the space for civil society in the country.

429. The Special Rapporteur strongly regrets reports of reprisals against human rights organisations for their cooperation with UN human rights mechanisms, as well as cases where the authorities have prevented the participation of activists in the events organised by the United Nations. He also expresses concern regarding the detention of human rights defenders, including their ill treatment and denial of access to family and lawyers. He is equally concerned by a number of cases of smear campaigns, stigmatisation and harassment against defenders, notably by certain state-controlled television channels and by state actors.

430. The Special Rapporteur reiterates his availability to provide guidance to the Government of the Russian Federation on issues related to the establishment and strengthening of a safe and enabling environment for human rights defenders, including through a conducive legal, institutional and administrative framework. He hopes that the Government responds favourably to his 2015 request to visit the country at a time convenient to the Government.

Serbia

431. JUA 28/07/2014 Case no: SRB 1/2014 State reply: 18/11/2014

11/12/2014

[19] A/HRC/25/55/Add.3

Alleged attacks, threats and acts of intimidation against members of a non-governmental organization actively involved in commemorating the Srebrenica genocide of 1995.

Observations

432. The Special Rapporteur thanks the Government for their detailed response to the communication sent during this reporting period and for the commitment expressed by the authorities to continue the implementation of protection measures, specifically in relation to freedom of assembly. The Special Rapporteur expresses concern at the attacks, threats and acts of intimidation against the non-governmental organization Women in Black, and encourages the Government to conclude its ongoing investigations into the incidents, bring those responsible to justice and draw pertinent lessons for strengthening protection mechanisms in the country.

Spain

433. JAL 30/12/2013 Case no: ESP 7/2013 State reply: 03/04/2014

Presunta disconformidad del anteproyecto de Ley Orgánica sobre Protección de la Seguridad Ciudadana, con estándares internacionales de derechos humanos.

434. JAL 10/03/2014 Case no: ESP 2/2014 State reply: 08/07/2014

Alegaciones de ataque violento contra la sede de la organización SOS Racismo Madrid.

435. PR 23/02/2015

"Dos proyectos de reforma legal socavan los derechos de manifestación y expresión en España" – Expertos de la ONU

Observaciones

436. El Relator Especial agradece al Gobierno las respuestas detalladas a las dos comunicaciones enviadas durante el período del presente informe.

437. Con respecto al anteproyecto de Ley Orgánica sobre Protección de la Seguridad Ciudadana, que restringiría indebidamente libertades fundamentales como son la libertad de reunión pacífica y la libertad de opinión y expresión, el Relator agradece la explicación detallada que recibió del Gobierno y reconoce las supuestas buenas intenciones de la Ley. La ley se encuentra pendiente de aprobación en el Senado. Sin embargo, en diciembre 2014, en el momento de ser aprobado en texto por el Parlamento, diversos actores y grupos sociales denunciaron que limitaba indebidamente derechos fundamentales y libertades públicas. Además, durante el segundo Examen Periódico Universal de la ONU a España, en enero de 2015, más de veinte países expresaron su preocupación de que la Ley restringiera indebidamente las libertades de manifestación pacífica y de reunión. El Relator reitera esta preocupación de que la Ley pueda ser utilizada para limitar de manera indebida derechos y libertades fundamentales de los ciudadanos que se consideran esenciales en una sociedad abierta y democrática. El 23 de febrero de 2015, el Relator junto con un grupo de expertos en derechos humanos de la ONU exhortó a España a rechazar esta reforma legal que "amenazan con violar derechos y libertades fundamentales de los individuos".

438. Además, el Relator Especial expresa su preocupación por el ataque violento contra una organización que trabaja contra la discriminación y el racismo. Espera que la investigación sobre el ataque continúe, que se identifique a los responsables y se les cite ante la justicia, y que las autoridades aseguren que los defensores de derechos humanos puedan realizar su legítimo trabajo en un entorno seguro y propicio.

Sweden

439. JUA 19/11/2014 Case no: SWE 1/2014 State reply: 14/01/2015

Alleged imminent deportation to Afghanistan of an asylum seeker at risk of being tortured and killed by the Taliban, if forcibly returned.

Observations

440. The Special Rapporteur would like to thank the Government for the detailed responses provided to the communication sent during the reporting period and notes the measures available for protection of those who claim to be victims of persecution and torture and who seek asylum in Sweden. The case of this journalist was addressed in a communication sent during the previous reporting period and, as such, the Special Rapporteur welcomes the re-examination of his application for asylum as there is sufficient evidence to believe that forced to return to Afghanistan he may face life-threatening risks in retaliation for his work as journalist. The Special Rapporteur appreciates the Government's further explanation of the process of re-examination of the case. He would like to remind that the State has a duty to protect all human rights defenders in the country, and urges the authorities involved to give thorough consideration to the serious and life-threatening risks faced by the journalist if forcibly returned to Afghanistan.

Tajikistan

441. JAL 02/06/2014 Case no: TJK 3/2014 State reply: 27/08/2014

Allegations of torture and subsequent death of an inmate at Dushanbe's penal colony No. 1; allegations of subsequent acts of reprisal in the form of torture, trial and sentencing of fellow inmates for having cooperated with the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

442. JUA 23/06/2014 Case no: TJK 4/2014 State reply: 21/07/2014

Alleged arrest, detention and enforced disappearance of a doctorate student and journalist. According to the information received, Mr. Alexander Sodiqov was arrested on 16 June 2014 in Khorog, Tajikistan.

443. JUA 03/11/2014 Case no: TJK 5/2014 State reply: 22/12/2014

Alleged arbitrary arrest, detention and prosecution based on false charges of a human rights lawyer.

Observations

444. The Special Rapporteur notes with satisfaction the Government's detailed responses to all three communications sent during the reporting period, in particular the in-depth analysis of the national and international legal norms that are relevant to the cases examined therein.

445. The Special Rapporteur is very concerned by reports of reprisals, including torture and false charges, against human rights defenders due to their cooperation with international human rights mechanisms. While he notes the expressed commitment of the Government to investigate all allegations of ill treatment and lack of due process and to ensure the complaint procedure for those in detention is accessible, he expresses concern at the contrasting accounts of the facts presented by witnesses to the events and those provided by the Government. The Special Rapporteur recalls that, to date, prison authorities

have not carried out an impartial investigation into allegations of torture against those who witnessed Mr. Ikromzoda's death.

446. The Special Rapporteur reiterates his concern at the allegations of espionage against Mr. Alexander Sodiqov for the legitimate and peaceful exercise of his rights to freedom of expression and opinion, and to the freedom of association in the context of his research on conflict resolutions and other topics in Tajikistan. While he welcomes the decision of the authorities to release Mr. Sodiqov on bail and to allow him to return to Canada, he remains concerned that the investigation into the criminal case against Mr. Sodiqov is ongoing.

447. The Special rapporteur expresses his concern at the sentencing of human rights lawyer Mr. Shukhrat Kudratov, which is believed to be in relation to his legitimate human rights work, notably representing opposition activists. He is further concerned by the reported sentencing of Mr. Kudratov on 13 January 2015 to nine years in a penal colony.

Turkey

448. JUA 14/08/2013 Case no: TUR 4/2013 State reply: 13/03/2014

05/05/2014

Alleged attacks against the independence of the legal profession, in particular the alleged arrest, detention and launching of criminal proceedings against lawyers in the context of antiterrorism operations.

449. JAL 27/03/2014 Case no: TUR 3/2014 State reply: 23/04/2014

Alleged restrictions on the right to freedom of expression and opinion in the context of political debate and electoral processes in Turkey.

450. PR 28/03/2014

Turkey: First Twitter, now YouTube – UN rights experts concerned at attempts to restrict access before elections

Observations

451. The Special Rapporteur notes with appreciation the Government's replies received to the communications sent during the reporting period.

452. He expresses concern at the use of recent legislative amendments that allow the authorities to restrict Internet access without a court order or to block content on Twitter and Youtube webpages. He reiterates the statement in March 2014 by the previous Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, who highlighted the key role of social media and access to information for those who defend and promote human rights, including by monitoring elections and public debate, and by raising issues of public interest. Concern is expressed at the use of such legislation to restrict the legitimate exercise of the right to freedom of opinion and expression, including the right to seek, receive and impart information and ideas of all kinds, as well as the right to freedom of peaceful assembly, particularly in the context of political debates and electoral processes.

453. The Special Rapporteur reiterates concern regarding attacks against the independence of the legal profession, including the arrest, detention and launching of criminal proceedings against lawyers in the context of anti-terrorism operations. Similar concerns were expressed in two previous communications dated 17 November 2011[20] and 2

[20] TUR 6/2011

February 2012[21]. He remains concerned that the arrests, charges and criminal proceedings brought against these lawyers are linked to the contacts they had with their clients within the scope of their professional duties and the legitimate exercise of their profession.

Ukraine

454. JUA 20/02/2014 Case no: UKR 1/2014 State reply: none to date

Alleged excessive use of force against, killings, injuries, enforced disappearances of, and/or arbitrary arrests and detention of, largely peaceful protestors and journalists in the context of Maidan ("Independence Square") protests.

Observations

455. The Special Rapporteur regrets that no response has been received to the communication sent during the reporting period, especially given the severity of the allegations therein.

456. The Special Rapporteur is extremely concerned regarding the excessive use of force, killings, injuries, enforced disappearances, and arbitrary arrests and detention of human rights defenders, peaceful protestors and journalists monitoring and reporting the protests. He reiterates the call for the authorities to investigate the numerous attacks on human rights defenders, to provide information on the whereabouts of those whose fate is unknown, to ensure those responsible are brought to justice in line with international standards and to guarantee the physical and psychological integrity of protestors, journalists, monitors and human rights defenders.

United Kingdom of Great Britain and Northern Ireland

457. JUA 20/10/2014 Case no: GBR 3/2014 State reply: 28/10/2014
06/11/2014

Alleged arbitrary detention and risk of deportation to Pakistan of an asylum seeker in violation of the principle of non-refoulement

Observations

458. The Special Rapporteur thanks the Government for their response to the communication sent during this reporting period. The Special Rapporteur notes with appreciation that Mr. Hazara's asylum claim has been given careful consideration by the relevant authorities and that the proceedings were carried out in the proper manner. He also acknowledges that on 9 January 2015 the deportation has been postponed and, at the time of writing, he was on bail pending the appeal. The Special Rapporteur would like to remind that the State has a duty to protect all human rights defenders in the country, and urges the authorities involved to give thorough consideration to the serious and life-threatening risks faced by the activist for the defence of human rights in Pakistan, including the submission of witness testimonies to the UN Human Rights Council and, as such, he faces persecution, torture and death if forcibly returned to Pakistan.

[21] TUR 1/2012

Uzbekistan

459. JUA 16/04/2014 Case no: UZB 1/2014 State reply: 05/09/2014

Alleged sentencing of a human rights defender as well as allegations of torture while in detention.

460. JUA 03/06/2014 Case no: UZB 2/2014 State reply: 12/08/2014

Alleged ongoing arbitrary detention of a human rights defender.

Observations

461. The Special Rapporteur thanks the Government for the responses provided to both communications sent during the reporting period.

462. The Special Rapporteur reiterates concern about information received regarding the continuous harassment, detention, and prosecution of human rights defenders due to their legitimate human rights work. He expresses particular concern regarding the lack of due process in the trial of human rights defenders according to international human rights standards.

463. The Special Rapporteur expresses grave concern at allegations received of the arbitrary detention and torture of human rights defender Mr. Fakhriddin Tillaev, as well as of a lack of due process in his trial and the severity of the sentencing.

464. The Special Rapporteur also expresses concern at the alleged arbitrary nature of Mr. Mamatkhonov's detention and sentencing, which may be linked to his legitimate human rights activities. Similar concern is raised that his trial did not meet basic international standards of fairness and that he was denied access to a lawyer.

MIDDLE EAST & NORTH AFRICA REGION

465. During the current reporting period, the Special Rapporteur sent 37 communications to countries in the region of Middle East and North Africa. He takes note of the response rate of 65 per centfor the region, a substantial increase on the previous reporting period. The Special Rapporteur also received four late responses to communications issued during previous reporting periods.

466. In the communications sent, the Special Rapporteur has brought a number of issues to the attention of Governments in the region. He is particularly concerned by the involvement of State actors in the restriction of civil society space, as well as the direct targeting of human rights defenders, including instances of arbitrary arrests and detention, and unfair legal proceedings. He is also troubled by reports of ill treatment and torture in detention. He deeply regrets the continued use of a range of legislation to restrict the rights to freedom of assembly and freedom of expression in the region, including the broad interpretation and use of anti-terrorism laws and other laws regarding the registration of non-governmental organisations.

467. The Special Rapporteur also wishes to highlight another worrying pattern of intimidation, harassment, threats and persecution of media workers and journalists, including bloggers, who bring attention to human rights issues and are seen to criticise governments and authorities in this regard. In a number of countries, the right to freedom of expression is severely restricted. Those who highlight human rights abuses and call for the situation to be addressed, either in their professional capacity or through social media, face varying levels of intimidation, judicial harassment, arrest, charges and harsh sentencing.

468. The Special Rapporteur is concerned by instances of reprisals against human rights defenders in the region, including detention and the issuing of travel bans, as a result of

their legitimate engagement with UN human rights mechanisms. He also underlines his concern that travel bans are increasingly used in order to obstruct defenders' possibility to cooperate with international institutions and organisations.

Algeria

469. JAL 20/08/2013[22] Case no.: DZA 4/2013 State reply: 16/12/2013

Allégations d'usage excessif de la force et d'arrestations subséquentes lors d'une manifestation pacifique de familles de disparus.

470. 11. JUA 24/03/2014 Case no: DZA 1/2014 State reply: none to date

Allégations concernant des restrictions indues à la liberté d'opinion et d'expression dans la période pré-électorale en Algérie.

Observations

471. Le Rapporteur spécial remercie le Gouvernement des informations fournies dans la réponse à sa lettre du 20 août 2013 envoyé pendant la période couverte par le précedent rapport. Toutefois, il regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'a été reçue à la communication envoyé pendant la période couverte par le présent rapport et il encourage le gouvernement à répondre à cette communication.

472. Le Rappporteur spécial demeure préoccupée par des rapports reçus qui dénoncent des restrictions indues à la liberté d'opinion et d'expression dans la période pré-électorale en Algérie.

Bahrain

473. JUA 10/01/2014 Case no: BHR 1/2014 State reply: 11/02/2014

Alleged arbitrary detention and torture of a photographer and journalist.

474. JUA 11/08/2014 Case no: BHR 10/2014 State reply: 15/09/2014

26/09/2014

Allegations of harassment and intimidation of members of the Bahrain Youth Society for Human Rights and the ongoing detention of one of its members.

475. JUA 03/09/2014 Case no: BHR 12/2014 State reply: none to date

Allegations of the arrest and detention of a human rights defender.

476. JUA 14/10/2014 Case no: BHR 13/2014 State reply: 24/11/2014

Alleged arbitrary arrest and detention of a human rights defender.

477. PR 05/09/2014

UN experts urge Bahrain to release human rights defender Maryam Al-Khawaja

478. PR 29/12/2014

UN experts urge Bahrain to drop charges against women activists for government criticism

[22] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

479. PR 04/02/2015

Bahrain: UN rights experts urge release of opposition politician detained for peaceful expression

Observations

480. The Special Rapporteur would like to thank the Kingdom of Bahrain for the responses received to three out five communications sent during the reporting period. He trusts that a substantive response will be provided in due course to the other communications. He expresses his repeated concern with regards to the volume of the allegations received and the severity of the issues raised therein.

481. The Special Rapporteur expresses grave concern at the ongoing harassment and intimidation of members of human rights organisations, a number of who remain at risk of alleged arbitrary detention and ill treatment as a result of their legitimate and peaceful activities. Furthermore, concern is expressed at the use of national security interests to justify measures and acts aimed at supressing opposition, including groups working peacefully for the defence of human rights, and at repressive practices against civil society that exceed limitations set in international human rights law.

482. The Special Rapporteur is concerned about the physical and psychological integrity of activists, including women human rights defenders, who exercise their rights to freedom of expression, peaceful assembly and association, as well as of those who monitor such fundamental freedoms in Bahrain, including prominent human rights defenders. Grave concern is expressed about reports that arrest and detention of some activists might also be an act of reprisal due to cooperation with the United Nations and its human rights mechanisms. In this regard, he strongly urges the Government to ensure that human rights defenders can carry out their legitimate activities in a safe and an enabling environment, including through open and unhindered access to international human rights bodies such as the United Nations, its mechanisms and representatives in the field of human rights, without fear of harassment, stigmatisation or criminalisation of any kind.

483. The Special Rapporteur is seriously concerned about information received regarding the treatment and conditions in detention, including physical abuse, isolation and refusal of access to family members and legal representatives.

484. The Special Rapporteur regrets that human rights defenders continue to be persecuted in Bahrain despite the Government's acceptance of recommendations made during its Universal Periodic Review in 2012 to abandon restrictions on human rights defenders. In that context, it is noted that two visits to Bahrain by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in 2012 and 2013 were postponed, or effectively cancelled.[23] The Special Rapporteur urges the Government to respond favourably to his country visit request (2015), which would allow him of gaining a better understanding of the situation of human rights defenders in Bahrain.

Egypt

485. JUA 30/08/2013 Case no.: EGY 13/2013 State reply: 04/10/2013
26/10/2013

[23] "Bahrain / Human rights: Government effectively cancels UN Special Rapporteur on torture's visit" (24/04/2013): http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13261&LangID=E#sthash.qtrQPrbQ.dpuf

05/06/2014

Allegations regarding the escalating violence and intimidation against journalists and the media in Egypt.

486. JUA 03/12/2013 Case no.: EGY 16/2013 State reply: 27/12/2013

21/01/2014

Alleged disproportionate use of force and arbitrary arrest of peaceful protestors, including journalists and human rights defenders, by Egyptian security forces.

487. JUA 06/12/2013 Case no.: EGY 17/2013 State reply: 27/12/2013

21/01/2014

Alleged torture and ill treatment during arrest and while in detention of a blogger and human rights activist.

488. JUA 24/12/2013 Case no.: EGY 19/2013 State reply: 14/03/2014

Alleged acts of intimidation and reprisals in the form of a raid and arrests by security forces of the offices and its members of a prominent human rights organization which had been co-operating with the United Nations.

489. JUA 22/01/2014 Case no.: EGY 2/2014 State reply: 25/03/2014

Alleged extrajudicial killing and intimidation of a lawyer and his family.

490. JAL 09/05/2014 Case no.: EGY 5/2014 State reply: 02/07/2014

Alleged ban on the activities of a human rights movement.

491. JAL 19/06/2014 Case no.: EGY 8/2014 State reply: 14/08/2014

Alleged raid of the office of the Egyptian Centre for Economic and Social Rights and the assault and temporary arrest of its staff.

492. JUA 03/07/2014 Case no.: EGY 10/2014 State reply: 28/11/2014

Alleged arbitrary detention and ill treatment of 24 human rights defenders, including several women human rights defenders following a demonstration protesting against Law 107.

493. JAL 29/08/2014 Case no.: EGY 11/2014 State reply: 08/11/2014

Allegations of the compulsory registration of all civil society organisations with the Ministry of Social Solidarity in Egypt, in accordance with the restrictive provisions of the 84/2002 NGO Law.

Observations

494. The Special Rapporteur thanks the Government of Egypt for providing responses to all of the communications sent during the reporting period and a follow-up to one sent in the previous reporting period. While he acknowledges that a number of the responses address the issues that were subject of the communications, he encourages the Government to provide detailed answers that are specific to the questions raised therein.

495. The Special Rapporteur expresses his repeated concern at the escalating violence, intimidation and judicial harassment against journalists and media workers including alleged killings, arbitrary arrests and detention and raids of the offices of news channels and of NGOs since July 2013.

496. The Special Rapporteur is further concerned by the arrests and sentencing of protestors, including journalists and human rights defenders, following peaceful assemblies due to the enforcement of Law No. 107/2013 "For organizing the right to peaceful public meetings, processions and protests". This law was the subject of a number of communications from various Special Rapporteurs, as well as two public statements[24] by the then UN High Commissioner for Human Rights Navi Pillay who expressed her concern at the increasing restrictions on the right to freedom of assembly and criminalisation of peaceful protests. The Government's response, which outlines the provisions of the law and gives its detailed account of the protests, states that the protesters who were detained had deliberately disrupted the peace and engaged in violence during the protest. The Special Rapporteur regrets that a number of protestors have received prison sentences for their participation in peaceful demonstrations amid claims of their arbitrary arrest, ill treatment and lack of due process. In a number of cases, those arrested were peacefully protesting against this very law, including on on 21 June 2014 when a large number of human rights defenders were arrested and later sentenced to three years imprisonment. While the Special Rapporteur acknowledges that, on 28 December 2014, this sentence was reduced on appeal, he remains gravely concerned at the disproportionate punishments under this law, which heavily restricts the right to freedom of assembly and has a deleterious impact on the work of human rights defenders in the country.

497. The Special Rapporteur reiterates his concern regarding undue restrictions on the peaceful work of civil society organisations, in particular with regards to the NGO Law 84/2002, which has been the subject of a number of previous communications. It is important to note that, following the Universal Periodic Review of Egypt in 2010, the Government pledged to revise the law. While the Special Rapporteur notes the Government's response in which it expresses its commitment to revise the law with the input of civil society, he remains distressed at the negative environment for civil society organisations and the disproportionate sanctions for non-compliance with this highly restrictive law.

498. The Special Rapporteur is also troubled by the reports of the targeting of human rights organisations by security officials, including raids on the offices of the Egyptian Centre for Economic and Social Rights and the arbitrary arrest and detention of its members and the ill treatment suffered during their arrest. According to the Government's response, the raid was to find Mr. Mohamed Adel, who was subsequently arrested and sentenced for peacefully protesting. However, the organisation is known to have cooperated with UN human rights mechanisms and is involved in a campaign together with other NGOs to revoke Law no.107/2013. Furthermore, in April 2014 the Cairo Court of Urgent Matters issued a ban on the April 6 Youth Movement, the organisation where Mr. Mohamed Adel was director. The organisation was accused of a number of charges, including using the movement "to cause chaos and bloodshed", attacking the State Security building, using international influence to cut aid to Egypt and threatening national security under the pretense of defending rights and liberties.

499. The Special Rapporteur is further concerned at the targeting of human rights defenders and their families. In particular, he expresses serious concern at the beating and subsequent death of Mrs. Mahrousa Badwy Ragab by members of the security forces, as

[24] "Pillay urges review of Egyptian laws and judicial procedures after latest "shocking" conviction of Al Jazeera journalists" (23/06/2014)
http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14757&
; and "New law on demonstrations in Egypt seriously flawed and must be amended - Pillay" (26/11/2013):
http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14029&LangID=E

well as the attempt to arrest her son Mr. Hany Saeed and the intimidation of his wife, which was reportedly linked to his recent activities as a lawyer working for families of victims, killed during the forced dispersion of peaceful protests. The Special Rapporteur calls on the Government to address the reported lack of investigation into the incident and death of Mrs. Ragab.

500. The Special Rapporteur reiterates that the State has a duty to provide a safe and enabling environment for human rights defenders and media workers to conduct their work, protect them and refrain from unduly targeting them for covering peaceful protests.

Israel

501. JAL 09/05/2014 Case no: ISR 2/2014 State reply: none to date

Alleged excessive use of force and interference with the right to peaceful assembly.

502. JUA 28/05/2014 Case no: ISR 3/2014 State reply: none to date

Alleged violent threats and intimidation carried out by the Israeli Defense Forces against members of a human rights organization in Hebron, West Bank, occupied Palestinian territories.

503. JAL 21/08/2014 Case no: ISR 8/2014 State reply: 12/11/2014

Alleged killing of three peaceful demonstrators in the Westbank by Israeli security forces.

Observations

504. The Special Rapporteur notes the Government's response to one of three communications sent during the reporting period. He regrets that at the time of the finalisation of this report, the Government had not transmitted a reply to the other two communications, nor to the three sent during the previous reporting period. He expresses concern at the pattern of violations against human rights defenders in the West Bank, especially in relation to the excessive use of force by the Israeli Defence Forces. It should be noted that UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, has urged the Israeli authorities to take urgent steps to halt continuing injuries and fatalities during protests in the Occupied Palestinian Territory and to investigations all such incidents.[25]

505. The Special Rapporteur deeply regrets that the excessive use of force by Israeli security forces during a peaceful demonstration led to the killing of a human rights defender, and during clashes that erupted afterwards resulted in the killing of two more protestors. He is distressed at receiving similar reports of the excessive use of force by Israeli Defence Force soldiers and Border Police in the eviction and dismantlement of a peaceful protest camp, as well as several instances of interference with the exercise of the right to peaceful assembly by the authorities.

506. The Special Rapporteur reiterates his concern regarding the worrying pattern of harassment of human rights defenders in the West Bank, as well as about allegations of ongoing judicial harassment against Mr. Issa Amro and the intimidation directed against him and members of Youth against Settlement (YAS), previously mentioned in the previous observations report.[26] Further concern is expressed at the alleged violent threats

[25] "Zeid says Israel must take action to curb rise in protest fatalities in Occupied Palestinian Territory" (12/12/2014).
http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15416&LangID=E
[26] A/HRC/25/55/Add.3, para. 227

and intimidation against members of YAS due to a video published online, which showed an Israeli soldier pointing his gun at two Palestinian minors. As a result, a number of serious threats were made against Mr. Amro and members of YAS. The Special Rapporteur again reiterates his concern.

Kuwait

507. JUA 31/07/2014 Case no: KWT 2/2014 State reply: 19/09/2014
08/10/2014

Alleged violent dispersal of peaceful demonstrations by the police in Kuwait City.

Observations

508. The Special Rapporteur thanks the Government for its response to the communication concerning the violent dispersal of peaceful demonstrations by the police in Kuwait City from 2 to 7 July 2014, including the arbitrary detention of a few dozens of peaceful protesters and the infliction of serious injuries against at least five peaceful protesters, including one journalist covering the protests. While noting general references made in the Government's reply to the guarantees provided by the Constitution of Kuwait with regard to the right to peaceful assembly, the Special Rapporteur regrets that a more substantial response was not provided despite the reassurances expressed in the Government's letter dated 19 September 2014. The Special Rapporteur therefore urges the Government to provide more specific information on the questions raised in the communication JUA 31/07/2014, including on the legal grounds for the mass arrests and detentions of the peaceful protesters as well as the results of any investigations, mentioned in the reply dated 8 October 2014, into the use of excessive and disproportionate force against protesters. Furtheremore, the Special Rapporteur hopes to receive clarifications regarding reports that on 4 September 2014 Mr Abdulhakim Al Fadhli, a human rights defender mentioned in the communication, was sentenced to six months' imprisonment by the Kuwaiti Misdemeanour Court for allegedly insulting a police officer.

509. The Government's cooperation in providing further information on the communication is especially pertinent given a number of recommendations made to the Government at the twenty-first session of the Working Group on the Universal Periodic Review in January 2015 to guarantee, in law and practice, the exercise of the rights to freedom of peaceful assembly, association and expression in Kuwait.[27]

510. The Special Rapporteur hopes that the Government of Kuwait will respond favourably to his request (2015) for a country visit, which will enable him to gain a better understanding of the situation of human rights defenders in the country.

Libya

511. JAL 10/07/2014 Case no: LBY 2/2014 State reply: none to date

Alleged killing of a human rights defender.

[27] See draft report of the Working Group on the Universal Periodic Review (A/HRC/WG.6/21/L.14), http://www.ohchr.org/EN/HRBodies/UPR/Pages/KWSession21.aspx

Observations

512. The Special Rapporteur regrets that so far no reply has been received in response to the communication sent during the reporting period, especially given the severity of the case referred to therein of the killing of human rights defender Ms. Salwa Bugaighis and the suspected abduction of her husband. He is concerned about reports of an increasing number of attacks targeting human rights defenders and political figures in the country. In that context, he notes that in October 2014 UN High Commissioner for Human Rights Mr. Zeid Ra'ad Al Hussein expressed concern at numerous reports of intimidation, harassment, abductions and murder of members of civil society, causing human rights defenders to flee the country, curtail their activism or go into hiding.[28] The Special Rapporteur wishes to highlight the 2015 report of the UN High Commissioner for Human Rights on the situation of human rights in Libya,[29] in which he refers to reports of civil society activists in Benghazi and Tripoli being threatened, abducted, unlawfully killed or having their homes looted or burned down. The report further points out instances of threats and intimidation towards staff of the National Council of Civil Liberties and Human Rights, which had been established in December 2011 and started functioning as a national human rights institution in January 2013 (paras.79-81).

513. The Special Rapporteur recalls that the Security Council on 27 August 2014 adopted resolution 2174 on the situation in Libya, decreeing that asset freeze and travel ban measures will apply to listed individuals or entities that plan, commit, or direct acts that violate international human rights and humanitarian law, or acts that constitute human rights abuses. He urges the Government of Libya and all those with effective authority on the ground to take urgent measures to protect human rights defenders and ensure a safer and more enabling environment for them to conduct human rights work in the country.

Mauritania

514. JUA 11/07/2014 Case no: MRT 1/2014 State reply: none to date

Allégations de menaces de mort contre une défenseure des droits de l'homme renommée.

Observaciones

515. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'a été reçue à la communication envoyée pendant la période couverte par le présent rapport et il encourage le gouvernement à répondre à cette communication. Il exprime ses préoccupations quant à la sécurité des défenseurs en Mauritanie et que les menaces de mort contre la défenseure serait liée à son travail pacifique œuvrant pour les droits de l'homme dans le pays.

Morocco

516. JUA 17/07/2014 Case no: MAR 3/2014 State reply: 06/10/2014

Condamnation alléguée d'un bloggeur et rappeur à quatre mois de détention, en raison de l'exercice de sa liberté d'expression artistique et de son implication dans le mouvement pro-démocratique au Maroc.

[28] "UN rights chief Zeid condemns attacks on human rights defenders in Libya" (14/10/2014): http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15168&LangID=E

[29] See A/HRC/28/51, 12 January 2015, para.38

517. JUA 30/07/2014 Case no: MAR 5/2014 State reply: 13/10/2014

Allégations relatives à l'arrestation et la détention d'un journaliste, qui seraient liées à l'exercice de son droit à la liberté d'opinion et d'expression, ainsi que des allégations d'actes de torture et de mauvais traitement qu'il aurait subis en détention.

518. JAL 04/09/2014 Case no: MAR 6/2014 State reply: 17/10/2014

Allégations relatives au refus d'enregistrement d'une association au Maroc.

519. JAL 13/11/2014 Case no: MAR 7/2014 State reply: 23/12/2014

Allégations de détention, d'actes de torture et de mauvais traitements, et d'exécution sommaire d'un militant des droits de l'homme et activiste politique sahraouis.

Observations

520. Le Rapporteur spécial remercie le Gouvernement des informations fournies dans les réponses aux quatre lettres envoyées pendant la période couverte par le présent rapport.

521. Le Rapporteur spécial demeure préoccupé par la détention arbitraire, d'actes de torture et de mauvais traitements et d'absence de soins médicaux appropriés ayant entrainé le décès de M. Hassanna al-Wali, un militant des droits de l'homme et activiste politique sahraoui. Il demeure préoccupé par des cas de détention d'un bloggeur et rappeur et la détention et le mauvais traitement d'un journaliste en détention et que ceci seraient liés à l'exercice de son droit à la liberté d'opinion et d'expression et leur travail pacifique œuvrant pour les droits de l'homme au Maroc.

522. Il demeure également préoccupé par le refus d'enregistrement de l'association Freedom Now qui œuvre à défendre la liberté d'expression, de la presse et de l'information au Maroc.

Oman

523. JUA 30/06/2014 Case no: OMN 1/2014 State reply: none to date

Alleged arrest and detention of three human rights defenders.

524. JUA 29/09/2014 Case no: OMN 2/2014 State reply: 16/12/2014

Alleged acts of intimidation and/or reprisals committed against a human rights defender for his cooperation with the United Nations Special Rapporteur on the rights to freedom of assembly and of association.

525. JUA 11/11/2014 Case no: OMN 3/2014 State reply: none to date

Alleged acts of intimidation and reprisals, including in the form of a travel ban, against an Omani human rights defender for his cooperation with the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association.

526. PR 30/01/2015

Oman: UN experts call for the immediate release of prominent rights activist as reprisals continue unchecked

Observations

527. The Special Rapporteur notes the Government's response received regarding one of the three communications sent during the reporting period, and trusts that responses to the remaining communications will be received in due course.

528. The Special Rapporteur expresses concern at reports received of the arrest, arbitrary detention, harassment and intimidation of human rights defenders in Oman for interaction with international institutions and non-governmental organisations, including in the context of the increased and more severe control by the Omani security and intelligence services over civil society in the country.

529. The Special Rapporteur expresses particular concern in relation to acts of reprisals against human rights defenders for their cooperation with UN human rights mechanisms and representatives. Following the official visit of the Special Rapporteur on the rights to freedom of peaceful assembly and of association to Oman in September 2014, two joint communications to the Government were in regard to the surveillance, intimidation and threats against human rights defenders who met with him during the country visit. In this regard, the Special Rapporteur strongly urges the Government to ensure that human rights defenders can carry out their legitimate activities in a safe and an enabling environment, including through open and unhindered access to international human rights bodies such as the United Nations, its mechanisms and representatives in the field of human rights, without fear of harassment, stigmatisation or criminalisation of any kind.

Qatar

530. JAL 02/10/2014 Case no: QAT 2/2014 State reply: 18/12/2014

Alleged temporary disappearance followed by arbitrary detention and subsequent denial of two human rights defenders to leave Qatar.

Observations

531. The Special Rapporteur thanks the Government's response to the communication sent during the reporting period. He expresses concern at the week-long disappearance and detention of two human rights defenders investigating the conditions of migrant workers involved in constructing facilities for the 2022 World Cup in Qatar and the travel ban imposed on them on unclear charges. Even though they were released and the travel ban lifted, a number of items confiscated during their arrest have yet to be returned to the activists.

Saudi Arabia

532. JUA 12/07/2012 Case no.: SAU 9/2012 State reply: 26/01/2015

Allegedly arbitrary arrests, and detention as well as investigations and charges brought against human rights defenders and the series of restrictions to freedom of association.

533. JUA 03/02/2014 Case no.: SAU 1/2014 State reply: none to date

Alleged arrest and detention of, and reprisal against the Deputy President of the Saudi Civil and Political Rights Association.

534. JUA 24/04/2014 Case no.: SAU 5/2014 State reply: 19/12/2014

Alleged arbitrary detention and ill treatment in detention of a human rights lawyer.

535. JUA 05/05/2014 Case no.: SAU 6/2014 State reply: none to date

Alleged arbitrary detention of a human rights defender for his participation in a peaceful protest in 2009 calling for an end to discrimination against the Shi'a Muslim community, and for his reports of such discrimination.

536. JUA 09/05/2014 Case no.: SAU 7/2014 State reply: none to date

Alleged incommunicado detention of the founding president of the Saudi Civil and Political Rights Association.

537. JUA 03/10/2014 Case no.: SAU 11/2014 State reply: none to date

Alleged arbitrary arrest, detention and conviction of several human rights defenders for their legitimate human rights activities.

538. JUA 31/10/2014 Case no.: SAU 13/2014 State reply: 26/01/2015

Alleged sentencing of human rights defenders by the Specialised Criminal Court.

Observations

539. The Special Rapporteur regrets that, at the time of the finalisation of this report, the Government had not responded to four of his six communications sent during the present reporting period. The allegations included in these communications are very serious, as they refer to undue restrictions on a number of basic rights and freedoms that are fundamental to the activities of human rights defenders. He hopes that a detailed response to each communication will be provided at the earliest convenience of the Government.

540. The Special Rapporteur expresses concern in relation to reports of the arbitrary arrest and detention and conviction of human rights defenders in Saudi Arabia, especially when the arrest and detention are due to their legitimate and peaceful human rights work. On a number of occasions, no reasons were given for the arrests of human rights defenders. The Special Rapporteur is also concerned regarding information of imposed travel bans, judicial harassment and unfair trials.

541. The Special Rapporteur notes the worrying pattern of arrests and lengthy detention of human rights defenders on charges relating to involvement with "illegal organisations", among other charges that relate to criticising, disrespecting or planning to overthrow the King. This appears to particularly target those who are involved in human rights organisations that monitor and report on the human rights situation in the country, a number of which have been forced to close. Members of the Saudi Civil and Political Rights Association have faced particular persecution in this regard. The Special Rapporteur deeply regrets instances of reprisals against human rights defenders who cooperated with United Nations human rights mechanisms, and he wishes to reiterate the right of everyone to "unhindered access to and communication with international bodies".[30]

542. The Special Rapporteur expresses particular concern at the restrictions on freedom of expression on those who monitor and document human rights abuses in the country, which has been evidenced through the case of blogger Mr. Raef Badawi, who faces an extremely harsh sentence of ten-year, 1000 lashes, a fine, travel ban and a ban on using media outlets on charges of blasphemy for documenting abuses by the national religious and morality police. Grave concern is expressed for the physical and psychological wellbeing of Mr. Badawi who is to receive 50 lashes at a time with a break of no less than a week between lashings.

543. Furthermore, the Special Rapporteur wishes to express his concern at the conditions in detention of a number of human rights defenders, including reports of ill treatment, torture, solitary confinement, incommunicado detention, overcrowding and the denial of access to essential medical care.

[30] Human Rights Council resolution 22/6 of 21 March 2013.

544. The Special Rapporteur thanks the Government for reacting favourably to his country visit request in 2015, and encourages it to confirm specific dates for the visit to the country, which will enable him to gain a better understanding of the situation of human rights defenders in Saudi Arabia.

Syrian Arab Republic

545. JUA 28/06/2013 Case no.: SYR 3/2013 State reply: 31/03/2014

Alleged acts of reprisal, incommunicado detention and torture and ill treatment of human rights defenders for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

546. JUA 17/12/2013 Case no.: SYR 7/2013 State reply: 09/07/2014

Alleged enforced disappearance of four activists by an unknown group in the Syrian Arab Republic.

547. JUA 24/02/2014 Case no.: SYR 4/2014 State reply: none to date

Alleged attempted killing of the founder of the Kafranbel Media Centre.

548. JUA 21/11/2014 Case no.: SYR 8/2014 State reply: none to date

Alleged arbitrary arrest and incommunicado detention of two Syrian human rights defenders in reprisal for their cooperation with the Office of the High Commissioner for Human Rights.

Observations

549. The Special Rapporteur thanks the Government for its response to one of the communications sent during the present reporting period and for the response to a communication sent during the previous reporting period. He encourages the Government to provide responses to remaining communications in due course.

550. The Special Rapporteur is gravely concerned for the physical and psychological integrity of human rights defenders in the Syrian Arab Republic amid reports of threats, abductions, arbitrary arrest, incommunicado detention and attempted killings, as well as the continued targeting of certain human rights defenders. He acknowledges the Government's response to the communication sent on 17 December 2013 regarding the abduction of human rights defenders Ms. Razan Zaitouneh, Ms. Samira Khalil, Mr. Wa'el Hamada and Mr. Nazem Hamadi, whose whereabouts and fate are still unknown. He urges the Government to thoroughly investigate their enforced disappearance and to establish and provide information on their whereabouts.

551. While the Special Rapporteur notes the Government's response on 31 March 2014 to a communication sent during the previous reporting period regarding the prolonged incommunicado detention, torture and ill treatment of human rights defenders Messrs. Mazen Darwish, Hussayn Gharir and Hani Zitani, he reiterates his concern about these individuals who have been detained for three years due to their legitimate human rights activities and whose trial has been repeatedly postponed, most recently in January 2015.

552. The Special Rapporteur is seriously concerned by acts of reprisals against human rights defenders for their cooperation with UN human rights mechanisms, as was the case of Mr. Jdea Abdullah Nawfal and Mr. Omar Al-Shaar who were detained following their participation at a human rights monitoring and documentation workshop organised by the Regional Office for the Middle East of the UN Office of the High Commissioner for Human Rights. While the Special Rapporteur welcomes the release on bail of Mr. Nawfal and Mr. Al-Shaar on 17 December 2014, he urges the Government to drop the charges against the human rights defenders. Furthermore, he urges the Government to ensure that

human rights defenders can carry out their legitimate activities in a safe and an enabling environment; this includes through open and unhindered access to international human rights bodies such as the United Nations, its mechanisms and representatives in the field of human rights, without fear of harassment, stigmatisation or criminalisation of any kind.

United Arab Emirates

553. JUA 16/04/2014 Case no.: ARE 3/2014 State reply: 13/05/2014

Alleged arbitrary arrest, detention, torture and lack of access to medical treatment while in detention of a blogger and human rights defender.

Observations

554. The Special Rapporteur notes the acknowledgement of the Government of the United Arab Emirates of the communication issued within the present reporting period and awaits a detailed response from the Government to the allegations and questions raised therein.

555. The Special Rapporteur expresses serious concern at the arbitrary arrest, detention, subsequent sentencing of Mr. Osama Al-Najjar, especially due to reports of torture and ill treatment despite his deteriorating health and the advice from the doctor of the detention center that he should be transferred to hospital due to the injuries sustained. He is distressed that his arrest and detention may be related to his legitimate activities in advocating for justice and human rights in the country and the peaceful exercise of his right to freedom of opinion and expression, as well as his cooperation with the United Nations and its human rights mechanisms, in particular the Special Rapporteur on the independence of judges and lawyers. In that context, he calls on the Government to ensure that human rights defenders can carry out their legitimate activities in a safe and an enabling environment; this includes through open and unhindered access to international human rights bodies such as the United Nations, its mechanisms and representatives in the field of human rights, without fear of harassment, stigmatisation or criminalisation of any kind.

OTHER

556. JAL 22/10/2014 Case no: OTH 11/2014 State reply: 25/11/2014

Letter concerning the alleged arbitrary dismissal of the head of the World Intellectual Property Organization staff association.

Observations

557. The Special Rapporteur remains concerned by the alleged arbitrary dismissal of Mr. Moncef Kateb, President of the World Intellectual Propery Organization (WIPO) staff council on 19 September 2014. He thanks the WIPO for the response received to this communication. However, he wishes to ensure the WIPO that the office of the Special Rapporteurs acts impartially based on the relevant facts and he reiterates concern that the decision to dismiss him may have been taken in retaliation of his activities as a staff representative and as a result of his legitimate exercise of his right to freedom of association.

Annex

Communications of the Special Rapporteur on the situation of human rights defenders: frequently asked questions

558. The mandate of the Special Rapporteur on the situation of human rights defenders, established by the Human Rights Council, includes a broad range of responsibilities.[31] As part of his mandate, the Special Rapporteur undertakes country visits and presents annual reports to the Human Rights Council and the General Assembly on particular topics or situations related to human rights defenders. Furthermore, the Special Rapporteur is mandated to seek, receive, examine and respond to information on the situation of human rights defenders, which includes taking up, with the State and non-State actors concerned, individual cases of human rights violations committed against defenders. He can therefore intervene directly with Governments on allegations of violations of human rights that come within his mandate by means of communications.

Who is a defender?

559. "Human rights defender" is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained. For more information, please see: http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx.

Who can submit information?

560. Information on such cases is received through a variety of sources including individual defenders, NGOs, legal representatives and family members as well as through United Nations agencies.

What happens when the information reaches the Special Rapporteur?

561. As information arrives, the Special Rapporteur first seeks to determine if it falls within the mandate.

562. Secondly, every effort is made to determine the probable validity of the allegations of human rights violation and the reliability of the source of the information. Often, important details may be missing from the information initially received and the OHCHR staff supporting the Special Rapporteur's mandate contact sources to collect additional information.

563. Thirdly, the Special Rapporteur reaches out to the Government of the State where the alleged violation is thought to have occurred. This is usually done through communications, including 'Urgent appeal' or 'Allegation' letters, addressed to the State's diplomatic mission with the United Nations in Geneva for transmission to capitals. The letters provide details of the victim, the human rights concerns and the alleged events.

What is the objective of the Special Rapporteur's intervention?

564. The primary objective of these letters is to protect human rights defenders by ensuring that State authorities are informed of allegations as early as possible and that they have an opportunity to investigate them and to end or prevent any human rights violation. With both Urgent appeal and Allegation letters, the Special Rapporteur asks the

[31] See Human Rights Council resolutions 25/18 and 16/5.

Government to take all appropriate action to investigate and address the alleged events and to communicate the results of its investigation and actions to the Special Rapporteur. Allegation letters focus primarily on asking the State authorities to proceed with an investigation of the events and to conduct criminal prosecutions of those responsible.

What happens next?

565. Ideally, the Government within the period prescribed to the Special Rapporteur's letter and investigate the alleged facts, taking action to prevent or end any violation. Governments are urged, under the Human Rights Council resolution renewing the Special Rapporteur's mandate, to respond to the letters sent. In many instances, responses are not received, are received several months later or do not address the substantive concerns raised by the Special Rapporteur.

566. Where new allegations are received, a follow-up communication may be sent to the State concerned. However, resource limitations make it impossible for the Special Rapporteur to follow-up on every case.

567. The communications sent by the Special Rapporteur to Governments are published in a report presented to the Human Rights Council. Since September 2011 onwards, this report has been issued three times per year and presented at the Human Rights Council sessions. These are available at:
http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

Confidentiality

568. The identity of persons and organisations that send information to the Special Rapporteur is always kept confidential and is never referred to in the letters to Governments or in public reports. Before a communication is sent, the Special Rapporteur seeks either direct consent from the human rights defender or, if not possible, from the family or lawyer of the human rights defender. If requested on behalf of the human rights defender, protection measures can be included in the communication by which their identity can be kept confidential.

How to submit allegations

569. More information on the submission process can be found here:

http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Complaints.aspx

Contact details for sending submissions and for further correspondence

E-mail contact details: urgent-action@ohchr.org

The text of the e-mail should refer to the human rights defenders mandate.